



W.P.No.35235 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.35235 of 2023

P.K.Ramalingam

... Petitioner

Vs.

1.The Commissioner / Director,
Milk Production and Dairy Development,
Madhavaram Milk Colony,
Aavin Illam,
Chennai – 600 051.

2.The Secretary to Government,
Animal Husbandry Dairying and
Fisheries Department,
Fort St. George,
Chennai - 600 009.

3.The General Manager,
Dharmapuri District Co-operative
Milk Producers Union,
Krishnagiri – 635 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to



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consider and pass orders on the petitioner's representation dated 16.08.2022 for disbursement of amount of Unearned Leaves on Private Affairs encashment in pursuance of the proceedings/order in R.C.No.6041/N3/2018 dated 20.09.2018 of the 1st respondent.

For Petitioner : Mr.R.Rajasekaran

For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein has given a representation to the third respondent on 16.08.2022, seeking for disbursement of amount of Unearned Leaves on Private Affairs encashment in pursuance of the proceedings/order in R.C.No.6041/N3/2018 dated 20.09.2018 of the 1st respondent. Since the said representation has not been considered till date, the present Writ Petition has been filed.



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3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon them to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the third respondent herein, to consider the petitioner's representation dated 16.08.2022, on its own merits and pass appropriate orders in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.



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M.S.RAMESH,J.

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5. With the above direction, the Writ Petition stands disposed of.

No costs.

**21.12.2023
(1/2)**

Index:Yes/No

Speaking order/Non-speaking order

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To

1.The Commissioner / Director,
Milk Production and Dairy Development,
Madhavaram Milk Colony,
Aavin Illam, Chennai – 600 051.

2.The Secretary to Government,
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Fort St. George,
Chennai - 600 009.

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