



W.P.No.35387 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.35387 of 2023

V.Marimuthu

... Petitioner

Vs.

1.The Commissioner,
Social Welfare and Nutritious Meal Programme Department,
Panagal Maaligai, II Floor,
Saidapet, Chennai – 15.

2.The District Collector,
Nagapattinam District,
Nagapattinam.

3.The Commissioner,
Vedaranyam Panchayat Union,
Vedaranayam,Nagapattinam District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to grant petitioner the Special Pension benefits under the Social Welfare and Nutritious Meal Department based on petitioner's representation dated 12.07.2022 within the fixed time period.



WEB COPY



W.P.No.35387 of 2023

For Petitioner : Mr.R.Muruga Bharathi

For R1 & R2 : Mr.P.Ganesan
Government Advocate

For R3 : Mr.C.Jayaprakash
Government Advocate

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 first respondent on 12.07.2022, seeking to grant Special Pension benefits under the Social Welfare and Nutritious Meal Department. Since the said representation has not been considered till date, the present Writ Petition has been filed.

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,



W.P.No.35387 of 2023

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 respondents herein, to consider the petitioner's representation dated 12.07.2022, on their own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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.

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

No costs.

21.12.2023

Index: Yes/No

Speaking order/Non-speaking order

Sni



WEB COPY



W.P.No.35387 of 2023

M.S.RAMESH,J.

Sni

To

- 1.The Commissioner,
Social Welfare and Nutritious Meal Programme Department,
Panagal Maaligai, II Floor,
Saidapet, Chennai – 15.
- 2.The District Collector,
Nagapattinam District,
Nagapattinam.
- 3.The Commissioner,
Vedaranyam Panchayat Union,
Vedaranayam,Nagapattinam District.

W.P.No.35387 of 2023

21.12.2023