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W.P.No.35745 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.35745 of 2023

M.Pannirselvam

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Environment, Climate Change and Forest Department,
Fort St. George, Chennai – 600 009.

2.The Chairperson,
Tamil Nadu Pollution Control Board,
76, Mount Anna Salai,
Chennai – 600 032.

3.The Member Secretary,
Tamil Nadu Pollution Control Board,
76, Mount Anna Salai,
Chennai – 600 032.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent herein to settle the monetary benefits like encashment of surrender leave, encashment (earned leave encashment and unearned leave encashment) and the balance GPF and other eligible terminal benefits such as SPF due to the petitioner as expeditiously as possible.

For Petitioner : Mr.RMD.Nazurullah



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For Respondents : Mr.M.Bindran,
Additional 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 2nd respondent on 25.09.2023, seeking to settle the terminal benefits. 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, 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



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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 second respondent herein, to consider the petitioner's representation dated 25.09.2023, on its 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

Internet: Yes/No

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M.S.RAMESH,J.

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To

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