



W.P.(MD).No.16431 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.16431 of 2023

T.Nallathambi

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner,
Madurai Corporation,
Madurai.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner, dated 13.04.2023 and to process his pension application and disburse gratuity, provident fund and other retiral pension benefits, emoluments and its arrears and to disburse his pension with arrears and applicable interest.

For Petitioner : M/S.K.Siva Tharsana

For Respondents : Mr.K.K.Kannan
Standing Counsel



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ORDER

The present Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner, dated 13.04.2023 and to process his pension application and disburse gratuity, provident fund and other retiral pension benefits, emoluments and its arrears and to disburse his pension with arrears and applicable interest.

2.Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents and perused the materials available on record.

3.The petitioner was inducted into the service of the respondent Corporation in the year 1975. After 35 years of service, the petitioner was promoted to the office of Junior Engineer (Planning). Having worked as a Junior Engineer for five years, the petitioner attained the age of superannuation and retired from service on 31.07.2010. Hence, the petitioner sent a representation, dated 13.04.2023 to the respondents. Since the same has not been considered, the petitioner has filed the present Writ Petition.



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4.This Court heavily condemns the callousness of the respondent Corporation in dealing with the pension application of the petitioner and the way in which he is allowed to wait in receiving all the terminal benefits from the date of his retirement ie., from 31.07.2010 and also regrets the fact that the petitioner's representation, dated 13.04.2023 is also kept in abeyance without consideration. Whenever a representation is made to the statutory authority, it is the duty of the statutory authority concerned immediately to consider the representation of the petitioner in one way or another. Non-consideration of the representation made to the respondents would amount to dereliction of duty by the statutory authority and in this case, it would prove the laziness of the respondent Corporation.

5.In view of the above, this Court directs the respondents to consider the representation of the petitioner, dated 13.04.2023 and to process his pension application and disburse gratuity, provident fund and other retiral pension benefits, emoluments and its arrears and to disburse his pension with arrears, within a period of eight weeks from the date of receipt of a copy of this order.



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6.With the above direction, this Writ Petition is disposed of.

There shall be no order as to costs.

07.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes
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To

- 1.The Commissioner,
Madurai Corporation,
Madurai.
- 2.The Assistant Commissioner,
Madurai Corporation,
Madurai.



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L.VICTORIA GOWRI, J.

ps

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