



W.P.(MD).No.19174 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.19174 of 2023

Vetrivel

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner (Accounts),
Madurai Corporation,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, seeking for a direction to the first respondent to grant full pension and retirement benefits including gratuity and commutation by considering the petitioner's representation, dated 12.06.2023.

For Petitioner : Mr.A.Robinson

For Respondents : Mr.Kannan
Standing Counsel



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ORDER

The present writ petition has been filed seeking direction to the first respondent to grant full pension and retirement benefits including gratuity and commutation by considering the petitioner's representation, dated 12.06.2023.

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

3. The petitioner was appointed as Sanitary Supervisor on 04.10.1982 at the first respondent's Corporation. He was promoted on 16.02.1984 as Bill Collector and thereafter, he continued working as a Bill Collector till his superannuation. While the petitioner was in service, by the proceedings of the first respondent, dated 28.11.2011, the petitioner was issued with a charge memo. As a result of which, the punishment of stoppage of increment for three months without cumulative effect was inflicted on him. On attaining superannuation, by the proceedings of the first respondent, dated 31.05.2019, the petitioner was permitted to retire from service on 31.05.2019 in the afternoon. The petitioner was granted minimum pension and till date, the



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petitioner is receiving the minimum pension and he is not granted with any other retirement benefits including Gratuity, Commutation and other benefit. Hence the petitioner made a representation on 12.06.2023 to the first respondent, requesting to take necessary action for granting him all the retirement benefits. The same was not considered and hence, this writ petition came to be filed.

4. 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 the respondents 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.

5. Without going into the merits of this case, this Court hereby directs the first respondent to consider the representation of the petitioner, dated 12.06.2023 to grant full pension and retirement benefits including Gratuity and



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Commutation 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.

6. This writ petition stands disposed of, accordingly. There shall be no order as to costs.

08.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner (Accounts),
Madurai Corporation,
Madurai.



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L.VICTORIA GOWRI, J.

BTR

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