



W.P.(MD).No.568 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.568 of 2024

S.Chandrasekar
... Petitioner
Vs

1. The Commissioner,
Office of the Madurai Corporation,
Thallakulam, Madurai.
2. The Education Officer,
Madurai Corporation,
Thallakulam, Madurai.
3. The Account Officer,
Pay and Account Office,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents pay the last month salary, Earned Leave, unearned leave, Provident fund, Gratuity to the petitioner in accordance with law by consider the petitioners representation, dated 20.12.2021 and 04.01.2024.

For Petitioner : Mr. P.Edin Brough

For Respondents : Mr.S.Vinayak



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Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to pay the last month salary, Earned Leave, unearned leave, Provident fund, Gratuity to the petitioner in accordance with law by considering the petitioner's representations, dated 20.12.2021 and 04.01.2024.

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

3. Heard, the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents. Perused the materials on record.

4.(i).The petitioner appointed on compassionate ground as Record Clerk on 15.04.1988. He was working as Junior Assistant in the Kambar Corporation Higher Secondary School, Subramaniyapuram, Madurai. Though the petitioner attained the age of superannuation on



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30.11.2019, he was not allowed to retire, but issued with the suspension order, dated 30.11.2019 citing that the Disciplinary Proceeding is pending against him.

(ii).Challenging the same, the petitioner has filed a petition in W.P(MD)No.18752 of 2020 and this Court vide order, dated 18.12.2020 directed the first respondent to pay the subsistence allowance to the petitioner. The petitioner's last month salary was not disbursed. In this regard, the petitioner has submitted several representations on 28.07.2021, 26.11.2021, 20.12.2021, 02.02.2022 and the last of which, was made on 04.01.2024. However, the same were not considered by the respondents. Hence, this petition came to be filed.

5. 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



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Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

6. It is made clear that without going into the merits of this case, this Court hereby direct the respondents to consider the representations of the petitioner, dated 20.12.2021 and 04.01.2024 and pass appropriate orders in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

7. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

10.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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L.VICTORIA GOWRI, J.

PNM

**ORDER IN
W.P.(MD).No.568 of 2024**

10.01.2024