



WP.(MD).No.6909 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.6909 of 2024

S.Senthilkumaran

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai 600 034.

2.The Executive Officer/Joint Commissioner,
Arulmighu Dhandayuthapani Swamy Temple,
Palani,
Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to sanction and disburse Pension, Gratuity, Security Deposit and Family Welfare Fund to the writ petitioner by considering the representations dated 12.07.2022, 14.07.2022, 21.06.2023, 11.08.2023, 06.10.2023 and 30.11.2023.

For Petitioner	: Ms.S.Meena
For 1 st Respondent	: Mr.B.Saravanan
	Additional Government Pleader
For 2 nd Respondent	: Mr.R.Murali



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ORDER

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

2.This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the respondents herein to sanction and disburse Pension, Gratuity, Security Deposit and Family Welfare Fund to the writ petitioner by considering the representations dated 12.07.2022, 14.07.2022, 21.06.2023, 11.08.2023, 06.10.2023 and 30.11.2023.

3.The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner joined in service of the second respondent Temple as a Office Assistant on 07.01.1987. On attaining the age of superannuation, he retired on 30.04.2020 as Senior Grade Record Clerk. During his service as Senior Grade Record Clerk, departmental proceedings were initiated against the petitioner and six others based on criminal case in Crime No.159 of 2013 on the file of the Inspector of Police, Palani Adivaram Police Station. Later



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he was visited with a charge memo dated 14.08.2013. Pursuant to the same, he was placed under suspension. Following which, he preferred a Writ Petition in W.P.(MD)No.8113 of 2014 to consider his representation to reinstate him into service and this Court was pleased to dispose of the same by an order, dated 07.05.2014 with a direction to consider his representation. Pursuant to the order of this Court, the petitioner was reinstated in service on 28.05.2014 and subsequently, disciplinary proceedings were initiated against him and the charges framed as against him were not proved and hence, the charges are dropped. As such, he was allowed to retire peacefully. However, his terminal benefits including Pension, Gratuity, Security Deposit and Family Welfare Fund are not so far disbursed with. Therefore, the petitioner gave several representations on several dates and last of which, were on 06.10.2023 and 30.11.2023 and the same is also not considered. Hence, this Writ Petition came to be filed.

4. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent, the learned counsel appearing for the second respondent and carefully perused the entire materials available on



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record.

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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 respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6.In view of the same, without going into merits of the case, this Court hereby direct the respondents to consider the representation of the petitioner dated 30.11.2023 and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of copy of this order.



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

20.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

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2. The Executive Officer/Joint Commissioner,
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L.VICTORIA GOWRI, J.

Mrn

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