



W.P.(MD).No.9664 of 2021

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 25.07.2024**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.9664 of 2021**

V.Pandiammal

... Petitioner

Vs

1. The Director,  
O/o. the Directorate of Town Panchayat,  
Chennai.

2. The Regional Director,  
O/o. The Regional Director of Town Panchayat,  
Tirunelveli.

3. The Commissioner,  
Rajapalayam Town Panchayat, Rajapalayam,  
Virudhunagar District.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direction the respondents particularly the 3<sup>rd</sup> respondent to calculate the petitioner's husband medical leave of 186 days, earnest leave of 240 days sanction and given the salary to the petitioner and other back wages like monthly pension etc., and consider the petitioner's representation, dated 05.04.2021.

For Petitioner : Mr. S.Sivakumar

For Respondents : Mr.C.Satheesh  
Government Advocate



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## ORDER

This writ petition has been filed seeking a direction to the respondents particularly the 3<sup>rd</sup> respondent to calculate the petitioner's husband's medical leave of 186 days, earnest leave of 240 days sanction and other back wages like monthly pension etc., and consider the petitioner's representation, dated 05.04.2021.

2.The petitioner is a widow and her husband Thiru. Velumani, who joined in the third respondent Town Panchayat as Sanitary Inspector, he passed away on 29.11.2020, while in service. However, while calculating his terminal benefits, the third respondent particularly failed to calculate his medical leave of 186 days and earned leave of 240 days and release the salary and other back wages including the monthly pension. In view of the same, the petitioner has filed a representation on 05.04.2021 to the respondent and the same was not considered. Hence, this writ petition came to be 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 the respondents to consider the same on its own merits and pass appropriate orders



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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 the respondents to consider the same within a stipulated time.

4.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the respondents to consider the representation of the petitioner, dated 05.04.2021 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. With the above directions, this writ petition stands disposed of. With the above direction this writ petition stands disposed of. There shall be no order as to costs.

**25.07.2024**

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



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**L.VICTORIA GOWRI, J.**

**PNM**

**ORDER IN  
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