



W.P.(MD).No.12502 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12502 of 2024

P. Jayaraj

... Petitioner

Vs

1. The District Collector,
O/o.The District Collector,
Madurai District,
Madurai.
2. The Project Director,
District Rural Development Department,
Collectorate Buildings, Madurai District,
Madurai.
3. The Assistant Director of Village Panchayats,
Collectorate Buildings,
Madurai District, Madurai.
4. The Block Development Officer,
Village Panchayat, Sedapatti Panchayat Union,
Sedapatti, Madurai District.
5. The President,
Seelnaikenpatti Village Panchayat,
Sedapatti Panchayat Union,
Madurai District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider petitioner's representation, dated 18.10.2022 in accordance with law by taking necessary action to settle the payment of Rs.25,000/- being balance lumpsum payment and also to pay monthly pension of a sum of Rs.2,000/- with effect from 31.05.2022 to the petitioner and within the time stipulated by this Court.

For Petitioner : Mr. P.Mahendran

For Respondents : Ms.D.Farzana Ghousia
Special Government Pleader

ORDER

Heard Mr.P.Mahendran, learned counsel for the petitioner and Ms.D.Farzana Ghousia, learned Special Government Pleader, for the respondents.

2.The petitioner has filed this Writ Petition for a direction to the respondents to consider petitioner's representation, dated 18.10.2022 in accordance with law by taking necessary action to settle the payment of Rs. 25,000/- being balance lumpsum payment and also to pay monthly pension of a sum of Rs.2,000/- with effect from 31.05.2022 to the petitioner.



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

4. The petitioner was working as a part time Panchayat Clerk and his service was also regularized. He was retired from service on superannuation on 31.05.2022. In view of his superannuation, the 4th respondent by considering G.O.Ms.No.313 Finance (Pay Cell) Department, dated 25.10.2017, has decided to pay a lumpsum payment of Rs.1,00,000/- to the petitioner and recommended for payment of monthly pension of Rs.2,000/- from the date of his retirement, ie., 31.05.2022 onwards. However, the 4th respondent has disbursed only a sum of Rs.75,000/-. The 4th respondent neither paid the balance amount of Rs.25,000/- nor disburse the monthly pension amount of Rs.2,000/- from 01.06.2022. The petitioner made a representation on 18.10.2022 and the same was not considered. Hence, the present writ petition has been 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



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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. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

6. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's application, dated 18.10.2022, on its own merits and pass appropriate orders in accordance with law, after making due enquiry, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the case or the claim of the



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petitioner and it is open to the respondents to consider the same on its own merits.

7. With the above direction, this writ petition is disposed of. No costs.

13.06.2024

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



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R.N.MANJULA, J.

PNM

ORDER IN
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