



WP(MD) No.13235 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.13235 of 2024

P.Viswanathan

... Petitioner

Vs.

1.The Assistant Director of Town Panchayats,
Office of the Assistant Director of Town Panchayats,
District Collectorate Campus,
Theni - 625 531.

2.The Executive Officer
Kamayagoundanpatti Town Panchayat Office,
Kamayagoundanpatti Post,
Theni District - 625 521.

...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 directing the respondents to consider the petitioner's representation dated 03.03.2024 and pay the arrears in petitioner's subsistence allowance of Rs.15,86,948/-.

For Petitioner : Mr.I.Shaji Chellan

For Respondents : Mr.N.Muthuvijayan – for R2

Special Government Pleader

Mr.T.Amjad Khan - for R1

Government Advocate

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the respondent to consider the petitioner's representation, dated 03.03.2024 and pay the arrears of subsistence allowance of Rs.15,86,948/-.



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2. Heard Mr.I.Shaji Chellan, learned counsel for the petitioner, Mr.T.Amjad Khan, learned Government Advocate appearing for the first respondent and Mr.N.Muthuvijayan, learned Special Government Pleader appearing for the second respondent.

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

4. The petitioner is working as an Overhead Tank Watchman (OHT) under the second respondent. Since the petitioner was involved in criminal case, he was suspended from service on 23.04.2015. Thereafter, the petitioner was acquitted in the criminal case in C.C.No.61 of 2016 dated 23.02.2022. The petitioner was not paid with eligible subsistence allowance. The petitioner had sent a representation on 03.03.2024 to the respondents requesting him to pay the arrears of subsistence allowance. Since the said



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representation was not considered by the respondents so far, 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 Government 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 Government 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.



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6. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 03.03.2024 on its own merits and pass appropriate orders in accordance with law, within a period of eight 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 claim of the petitioner and it is open to the respondents to consider the same on its own merits.

7. With the above direction, the Writ Petition stands **disposed of**. No costs.

21.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.13235 of 2024

Dated:
21.06.2024