



W.P.(MD)No.14596 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.14596 of 2024

S.Uthayasankar

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Thoothukudi District.

2.The Director,
Local Funds Audit Department,
Kuralagam, 4th Floor,
Chennai.

3.The Commissioner,
Thoothukudi Panchayat Union,
Pudukottai.

4.The Assistant Director,
Local Funds Audit Department,
Old Bus Stand Building,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to settle the pensionary benefits, provident fund interest and arrears of dearness allowance with 12% of interest to the petitioner on the basis of the petitioner's representation dated 02.02.2024.



WEB COPY



W.P.(MD)No.14596 of 2024

For Petitioner : Mr.A.P.Muthupandian

For Respondents : Mr.J.Ashok (for R1 & R2)
Additional Government Pleader
Mr.D.Gandhiraj (for R3)
Special Government Pleader

ORDER

Heard Mr.A.P.Muthupandian, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader, who takes notice on behalf of R1 & R2 and Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice on behalf of R3.

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

3. The petitioner worked as a Medical Officer on 12.12.1986 and he retired from service on 31.03.2014 on his superannuation. He received monetary benefits, provident fund belatedly, but he never received interest for belated payment. In this regard, he submitted representation dated 02.02.2024 to the respondent and the same was not considered. Hence, the present writ petition has been filed.



W.P.(MD)No.14596 of 2024

WEB COPY

4. 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. 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.

5. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 02.02.2024 on its own merits and pass appropriate orders in accordance with law, 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 expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.



W.P.(MD)No.14596 of 2024

WEB COPY 6. With the above direction, the Writ Petition stands disposed of. No costs.

03.07.2024

NCC:yes/no
Index:yes/no
Rmk

To

- 1.The District Collector,
Office of the District Collector,
Thoothukudi District.
- 2.The Director,
Local Funds Audit Department,
Kuralagam, 4th Floor,
Chennai.
- 3.The Commissioner,
Thoothukudi Panchayat Union,
Pudukottai.
- 4.The Assistant Director,
Local Funds Audit Department,
Old Bus Stand Building,
Thoothukudi District.



WEB COPY



W.P.(MD)No.14596 of 2024

R.N.MANJULA, J.

Rmk

W.P.(MD)No.14596 of 2024

03.07.2024