



W.P.(MD)No.16424 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.16424 of 2024

M.Ramasamy

... Petitioner

vs.

1.The Secretary to Government,
Hindu Religious and Charitable Endowment Department,
Secretariat, Chennai - 600 009.

2.The Commissioner,
Hindu Religious and Charitable Endowment Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
H 306, TNHB Colony,
Ellis Nagar, Madurai - 625 016.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
H 306, TNHB Colony,
Ellis Nagar, Madurai - 625 016.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent herein to settle the petitioner's retirement and saving benefits like Special



W.P.(MD)No.16424 of 2024

Provident Funds, Encashment of Earned and Unearned Leave Savings and Other Pensionary benefits under the Old Pension scheme on the basis of the petitioner's last drawn salary along with accrued interest with respect of the petitioner's representations dated 26.02.2024 and 13.03.2024 thereon.

For Petitioner : Mr.Ramesh Mahadev

For Respondents : Mr.P.Subbaraj
Additional Government Pleader

ORDER

The petitioner herein, who retired as Executive Officer/Deputy Commissioner, Hindu Religious and Charitable Endowments Department, had given a representations on 26.02.2024 and 13.03.2024 to the second respondent seeking to settle the his retirement and saving benefits like Special Provident Funds, Encashment of Earned and Unearned Leave Savings and other Pensionary benefits under the Old Pension scheme with accrued interest. Since the said representations were not considered, the present writ petition has been filed.

2. It is needless to point out that whenever a representation of



W.P.(MD)No.16424 of 2024

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this nature is made to a Government Authority, there is a duty cast upon them to consider the same on their 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 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 second respondent is required to be given with a direction to consider the representations of the petitioner within a specified time frame.

3. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representations dated 26.02.2024 and 13.03.2024 on its own merits and pass appropriate orders in accordance with law, within a period of six 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 second respondent to consider the same on its own merits.



W.P.(MD)No.16424 of 2024

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4. With the above direction, the Writ Petition stands **disposed**

of. No costs.

22.07.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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To

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W.P.(MD)No.16424 of 2024

R.N.MANJULA, J.

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W.P.(MD)No.16424 of 2024

22.07.2024