



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)Nos.18397 of 2024 and 10581 of 2023

V.Muniyandi
Kodivel

... Petitioner in W.P.(MD)No.18397/2024
... Petitioner in W.P.(MD)No.10581/2023
Vs.

1.State of Tamil Nadu,
Represented by its Principal
Secretary to the Government,
Department of Municipal Administration
and Water Supply,Secretariat, Chennai-9.

2.The Director of Local Fund Audit,
Nandanam, Chennai-600 035.

3.The District Collector,
Thoothukudi District.

4.The Assistant Director of Local Fund Audit,
Corporation Office, Thoothukudi-628 002.

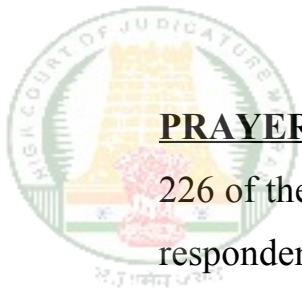
5.The Commissioner,
Thoothukudi Municipal Corporation,
Thoothukudi-2.

... Respondents W.P.(MD)No.18397/2024

The Commissioner,
Thoothukudi Corporation,
Thoothukudi

... Respondents W.P.(MD)No.10581/2023

PRAYER in W.P.(MD)No.18937 of 2024: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the retirement benefits and pension to the petitioner by calculating the qualifying service of the petitioner from 05.02.1990 to 30.09.2023 along with other consequential benefits by considering the representation of the petitioner dated 27.01.2024 within the time period stipulated by this Court.



PRAYER in W.P.(MD)No.10581 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to pay the retirement benefit and pension to the petitioner.

In W.P.(MD)No.18397 of 2024

For Petitioner : Mr.T.Aswin Raja Simman
For R1 to R4 : Mr.S.Shanmugavel
Additional Government Pleader
For R5 : Mr.N.Anandkumar

In W.P.(MD)No.10581 of 2023

For Petitioner : Mr.C.Mayilvahana Rajendran

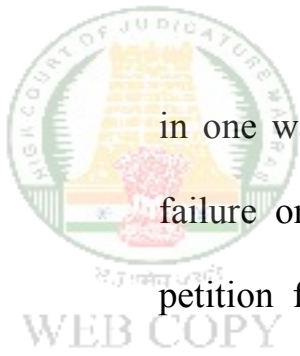
COMMON ORDER

Heard Mr.T.Aswin Raja Simman, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader for the respondents 1 to 4 and Mr.N.Anandkumar, learned counsel for the fifth respondent in W.P.(MD)No.18397 of 2024 and Mr.C.Mayilvahana Rajendran, learned counsel for the petitioner in W.P.(MD)No.10581 of 2023.

2. By consent of both parties, the writ petition in W.P.(MD)No. 18397 of 2024 is taken up for final disposal at the stage of admission itself.

3.The representations submitted by the petitioners to disburse the retirement benefits have not been considered so far. Hence, the petitioners have filed these writ petitions.

4. 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. 1. 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.

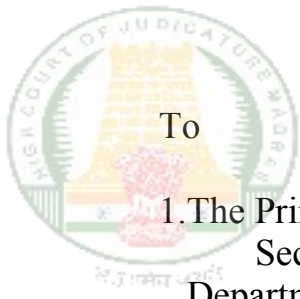
5. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioners' representation dated 27.01.2024 and 01.12.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not 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.

6. With the above direction, the Writ Petitions stand disposed of.

No costs.

02.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

1.The Principal
Secretary to the Government,
Department of Municipal Administration
and Water Supply,
Secretariat, Chennai-9.

2.The Director of Local Fund Audit,
Nandanam,
Chennai-600 035.

3.The District Collector,
Thoothukudi District.

4.The Assistant Director of
Local Fund Audit,
Corporation Office,
Thoothukudi-628 002.

5.The Commissioner,
Thoothukudi Municipal Corporation,
Thoothukudi-2.



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R.N.MANJULA, v.

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W.P.(MD)No.18397 of 2024

02.08.2024

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