

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44559/2016

Indirani

..Petitioner

Vs

1.The District Collector
Collectorate, Vellore.

2.The Tahsildar
Tirupathur, O/o.The Tahsildar
Tirupathur, Vellore District.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents namely the District Collector of Vellore District and the Tahsildar of Tirupattur to consider the representation of the petitioner dated 21.09.2016 and take necessary action to provide pension benefits to the petitioner within a time to be stipulated by this Court.

For Petitioner : Mr.N.E.A.Dinesh

For R1 & R2 : Mr.P.Sanjay Gandhi, AGP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Sanjay Gandhi, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2.

2 The petitioner would aver that her husband, namely Kandasamy, was appointed as the Village Assistant as per the proceedings of the 2nd respondent dated 02.01.1981 in a permanent capacity in Damalarimuthur, Tirupathur Taluk, Vellore District and after putting in service for a period of 21 years, he retired from service on superannuation on 31.10.2002 and subsequently, he died on 03.08.2003. The petitioner, in this

regard has submitted a representation to the 1st respondent praying for conferment of settlement of pensionary and other benefits and it was forwarded to the 2nd respondent vide Ref.No.O.Mu.[a.5]/13875/2014 dated 25.07.2014, directing the 2nd respondent to take appropriate action. The petitioner waited for quite some time and since no response is forthcoming, she subsequently sent a representation dated 21.09.2016 to the 2nd and despite receipt and acknowledgment of the same, no orders have been passed so far and hence, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that the petitioner is suffering very much on account of the non-settlement of pensionary and other benefits and in all fairness, the 2nd respondent, being subordinate to the 1st respondent, ought to have responded to the Memo dated 25.07.2014 sent by the 1st respondent and since, he has failed to do so, the petitioner is constrained to approach this Court.

4 Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents would submit that necessary instructions will be given to the 2nd respondent to act on the communication of the 1st respondent dated 25.07.2014.

5 This Court has considered the rival submissions and also perused the materials placed before this Court.

6 Admittedly, the 1st respondent, on receipt of the petitioner's representation dated 04.07.2014, has sent a Memo to the

2nd respondent as early as on 25.07.2014 to take appropriate action and inform the petitioner. But, the fact remains that the 2nd respondent did not comply with the orders passed by his superior official, viz., the District Collector. It is also pertinent to point out at this juncture that the petitioner has also submitted a representation dated 21.09.2016 to the 2nd respondent praying for consideration on her representation and to provide Family Pension to her and though it was received and acknowledged on 01.10.2016, the 2nd respondent is yet to pass any kind of orders. In the considered opinion of the Court, the inaction on the part of the 2nd respondent deserves condemnation.

7 This, Court, taking into consideration, the above facts and circumstances, directs the 2nd respondent to act on the communication of the 1st respondent in Memo Ref.No.O.Mu[a.5]/13875/2014 dated 25.07.2014 and pass orders on the representation of the petitioner dated 21.09.2016 on merits and in accordance with law and communicate the decision taken, to the petitioner within a period of three weeks from the date of receipt of a copy of this order.

8 The 1st respondent - District Collector, Vellore, shall also ensure the compliance of the orders passed by this Court in this writ petition and also in the light of his Memo dated 25.07.2014, by the 2nd respondent herein.

9 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector
Collectorate, Vellore.

2.The Tahsildar
Tirupathur, O/o.The Tahsildar
Tirupathur, Vellore District.

+1cc to Mr.V. Nicholas, Advocate, S.R.No.340

PK(CO)
md(20/01/2017)

WP.No.44559/2016