

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.12.2018

CORAM
THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.32679 of 2018

Yasmeen Banu

.. Petitioner

Vs.

The Tahsildar,
Chengalpattu Taluk,
Kancheepuram District.

.. Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent herein to consider the petitioner's application dated 20.02.2017 seeking deserted/destitute wife monthly pension, within the time frame as stipulated by this Court.

For Petitioner : Mr.G.Magesh Kumar

For Respondents : Mr.E.Balamurugan,
Special Government Pleader

O R D E R

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

2. The petitioner has come up with this writ petition seeking a direction to the respondent to consider her application/representation dated 20.02.2017 seeking deserted/destitute wife monthly pension.

3. According to the learned counsel for the petitioner, the petitioner has submitted representation/application dated 20.02.2017 claiming the relief as prayed for in this Writ Petition, but, the same is yet to be disposed of by the respondents. Hence, the petitioner is before this Court.

4. Heard, Mr.E.Balamurugan, learned Special Government Pleader on behalf of the respondent. The learned Special Government Pleader produced a Government Order in G.O.No.395, (Personnel and Administrative Reforms (PER.S) Department dated 04.11.1993. As per the said Government Order, a destitute widow only has been defined, whereas, the petitioner is a divorcee and it is stated that she will not come within the term 'destitute widow'.

5. Be that as it may. Despite a representation/application made by the petitioner on 20.02.2017, the respondent has been sitting over the same, without considering and passing orders. Such attitude of the officer concerned is condemnable.

6. However, considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation/application, directs the respondent to consider the petitioner's representation/application dated 20.02.2017 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, as well as any of the interested parties, within a period of two weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dn

To

The Tahsildar,
Chengalpattu Taluk,
Kancheepuram District.

+1cc to Mr.G.Mageshkumar, Advocate, S.R.No.84818

+1cc to the Government Pleader, S.R.No.85493

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CNR(CO)

rrs 30/01/2019

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