



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **09.12.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**
W.P. (MD) No.26116 of 2019

WEB COPY

R.Murugan

... Petitioner

/vs./

1.The Secretary to Government
The Health and Family Welfare Department,
Fort St., George, Chennai.

2.The Director,
Indian Medicine and Homeopathy
Arumbakkam, Chennai.

3.The District Siddha Medical Officer,
District Head Quarter Hospital Campus,
Dindigul.

4.The Treasury Officer,
District Treasury,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the fourth respondent to pay the arrears and other pension benefits available to Government employees after superannuation to the petitioner and direct the third respondent to provide details of payment of provisional pension paid and/or payable to the petitioner from June 2012 till November 2017 to enable the petitioner to claim the said benefits from the fourth respondent along with the arrears on the basis of the representation given by the petitioner dated 08.07.2019.

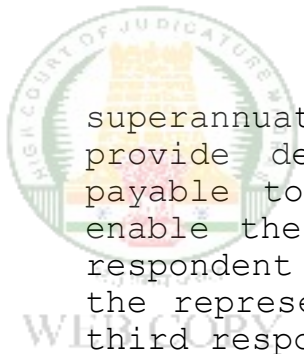
For Petitioner
For Respondents

: Mr.V.Kannan
: Mr.V.Anand
Government Advocate

ORDER

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

2. Though the petitioner has sought for issuance of Writ of Mandamus directing the fourth respondent to pay the arrears and other pension benefits available to Government employees after



superannuation to the petitioner and direct the third respondent to provide details of payment of provisional pension paid and/or payable to the petitioner from June 2012 till November 2017 to enable the petitioner to claim the said benefits from the fourth respondent along with the arrears, the petitioner submits that if the representation made by him is directed to be considered by the third respondent, he would be satisfied.

3. Whenever a representation is made to a statutory authority to redress the claim of the employee, 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. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

4. In view of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation, dated 08.07.2019, on its own merits and pass appropriate orders within a period of six (6) 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 view with regard to the claim made by the petitioner in his representation and it is for the third respondent to consider it in accordance with law.

5. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

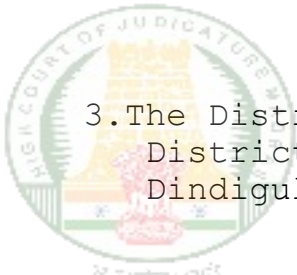
/ /2020

Sub Assistant Registrar(CS)

Rmk

To:

1. The Secretary to Government
The Health and Family Welfare Department,
Fort St., George, Chennai.
2. The Director,
Indian Medicine and Homeopathy
Arumbakkam, Chennai.



3.The District Siddha Medical Officer,
District Head Quarter Hospital Campus,
Dindigul.

4.The Treasury Officer,
District Treasury,
Tirunelveli.

+1 CC to M/s.M/S.V.KANNAN, Advocate (SR-104312[F] dated
10/12/2019)

+1 CC to M/s.SPL GP (SR-104225[F] dated 10/12/2019)

Order made in
W.P.(MD)No.26116 of 2019

KK/SAR/07.01.2020/3P-7C/