



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.12.2019

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P. (MD)No.26777 of 2019

C.Mariathankam

... Petitioner

vs.

1.The Accountant General (Pension),
261, Anna Salai, Chennai - 600 018.

2.The District Educational Officer,
Thiruvattar,
Kanyakumari District.

3.The District Treasury Officer,
Treasury Office, Nagercoil,
Kanyakumari District.

4.The Sub Treasury Officer,
Sub-Treasury Office,
Vilavancode, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to sanction and pay family pension to the petitioner and other benefits fund along with 18% interest due to the death of petitioner's husband Mr.K.Charles by considering the representation of the petitioner dated 03.12.2019 within a time frame that may be fixed by this Court.

For Petitioner	:	Mr.S.C.Herold Singh
For R-1	:	Mr.P.Gunarsekaran
For R-2 to R-4	:	Mr.M.Karuppasamy Government Advocate

ORDER

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

2. The limited prayer sought for the petitioner is that to consider the representation dated 03.12.2019 seeking for family pension.

<https://hcservices.courts.gov.in/hcservices/> 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 merit 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. It is seen that the Office of the Accountant General has also forwarded the pension proposal to the Treasury Officer, Nagercoil on 06.09.2019 and the same is still pending.

4. In view of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representations dated 03.12.2019 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 her representation and it is for the respondents to consider it in accordance with law.

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

Sd/-

Assistant Registrar (w)

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Sub Assistant Registrar (CS)

sjj

To

1. The District Educational Officer,
Thiruvattar,
Kanyakumari District.

2. The District Treasury Officer,
Treasury Office, Nagercoil,
Kanyakumari District.



3.The Sub Treasury Officer,
Sub-Treasury Office,
Vilavancode, Kanyakumari District.

+1 CC to Mr.S.C.HEROLD SINGH, Advocate (SR-105532[F] dated
18/12/2019)

+1 CC to SPL.GP (SR-105578[F] dated 18/12/2019)

+1 CC to Mr.P.GUNASEKARAN, Advocate (SR-105670[F] dated
18/12/2019)

W.P. (MD) No.26777 of 2019
17.12.2019

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