



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **06.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.2349 of 2020

WEB COPY

Rakkammal

... Petitioner

/vs./

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Secretariat, Chennai.
- 2.The Administrator,
Tamil Nadu State Transport Corporation,
Employee's Pension Fund Trust,
Thiruvalluva House,
Pallavan Sallai,
Chennai.
- 3.The Managing Director,
Tamil Nadu State Transport Corporation
(Kum.DVN.III) Ltd.,
Karaikudi, Sivagangai District.
- 4.The Deputy Manager (Adminstration),
Tamil Nadu State Transport Corporation
(Kum.DVN.III) Ltd.,
Head Office, Karaikudi,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the third respondent to consider the petitioner's representations dated 02.07.2019 and 28.01.2020 within a time frame that may be stipulated by this Court and directing the third respondent to pay the family pension to her on the basis of the first respondent passed the order in G.O (Ms) No.290 Public (ex-Servicemen) Department, dated 05.04.2017.

For Petitioner	: Mr.R.Udhayakumar
For R-1	: Mr.R.Sethuraman Special Government Pleader.
For R-2	: Mr.A.Swaminathan Standing Counsel
For R-3 and R-4	: Mr.P.Balasubramanian Standing Counsel.



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 representations dated 02.07.2019 and 28.01.2020 seeking for family pension to her on the basis of the order passed by the first respondent in G.O (Ms) No.290, Public (ex-Servicemen) Department, dated 05.04.2017.

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.

4. In view of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representations dated 02.07.2019 and 28.01.2020, in the light of G.O.(Ms) No.290, Public (ex-Servicemen) Department, dated 05.04.2017, if applicable to the petitioner, on its own merits and pass appropriate orders within a period of eight (8) 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 representations 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 (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Cp

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Secretariat, Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Managing Director,
Tamil Nadu State Transport Corporation
(Kum.DVN.III) Ltd.,
Karaikudi, Sivagangai District.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Employee's Pension Fund Trust,
Thiruvalluva House,
Pallavan Sallai,
Chennai.

+1 CC to MR.R.UDHAYA KUMAR, Advocate (SR-4970[F] dated 06/02/2020)
+1 CC to SPL GP (SR-5218[F] dated 07/02/2020)
+1 CC to MR.P.BALASUBRAMANIAN, Advocate (SR-5275[F] dated
07/02/2020)

Order made in
W.P.(MD)No.2349 of 2020
06.02.2020

MK (20.02.2020) 3P 7C