



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2020

CORAM:

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

W.P.(MD) No.2511 of 2020

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Deivam

... Petitioner

/Vs./

- 1.The Government of Tamil Nadu,
rep., by the Secretary to the Government,
Finance (Pension) Department,
Fort St. George, Chennai -9.
- 2.The Principal Accountant General,
The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai-18.
- 3.The Principal Chief Conservator of Forests,
Panagal Building,
Chennai-15.
- 4.The District Forest Officer,
Theni Forest Division,
K.R.R.Nagar, Theni,
Theni District.
- 5.The Divisional Forest Officer,
Varusanadu Soil Conservation Division,
K.R.R.Nagar, Theni,
Theni District.
- 6.The Sub Treasury Officer,
O/o., The Sub Treasury Office,
Uthamapalayam, Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 5 herein to disburse the arrears of family pension to the petitioner from 18.02.2012 till 21.06.2017 on the basis of her representation dated 13.01.2020 and 25.01.2020 within the time stipulated by this Court.

For Petitioner
For Respondents

: Mr.J.Lawrance
: Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader
(For R1, R3 to R6)
Mr.P.Gunasekaran (for R2)



ORDER

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

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2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents 1 to 5 herein to disburse the arrears of family pension to the petitioner from 18.02.2012 till 21.06.2017, in my view, such a decision is to be taken by the second respondent and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioner would submit that she has already made representation on 25.01.2020 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. 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.

5. In view of the above observations, the petitioner is directed to submit a copy of the representation dated 25.01.2020 along with a copy of this order before the second respondent and on receipt of the same, there shall also be a direction to the second respondent herein to consider the same, on its own merits and pass appropriate orders within a period of twelve (12) 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 second respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To: WEB COPY

- 1.The Secretary to the Government,
Government of Tamil Nadu,
Finance (Pension) Department,
Fort St. George, Chennai -9.
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- 6.The Sub Treasury Officer,
O/o., The Sub Treasury Office,
Uthamapalayam, Theni District.

+1 CC to Mr.J.LAWRANCE, Advocate (SR-5533[F] dated 11/02/2020)
+1 CC to Mr.P.GUNASEKARAN, Advocate (SR-5468[F] dated 10/02/2020)
+1 CC to SPL.GP (SR-5817[F] dated 12/02/2020)

Order made in
W.P. (MD) No.2511 of 2020
10.02.2020

VB(20.02.2020) 3P 10C