



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2020

CORAM:

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

W.P. (MD) No.2593 of 2020

and

W.M.P. (MD) Nos.2240 of 2020

WEB COPY

S.Rajathi

... Petitioner

/vs./

1.The Director of Rural Development,
Panagal Building,
Saidapetai, Chennai 600 015.

2.The Accountant General,
Office of the Accountant General,
Thenampet, Chennai 600 018.

3.The District Collector,
Theni District, Theni.

4.The District Treasury Officer,
The District Treasury,
Dindigul, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents particularly the fourth respondent to disburse the family pension payable to the petitioner as from the date of death of her deceased husband 05.08.2009 to till today along with revised family pension and other pensionary benefits as per the seventh pay commission with arrears within a time frame as specified by this Court forthwith.

For Petitioner	:Mr.S.Palani Velayutham
For Respondents	:Mr.M.Jeyakumar
	Additional Government Pleader (for R1,R3 &R4)
	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.

2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents particularly the fourth respondent to disburse the family pension payable to the petitioner as from the date of death of her deceased husband 05.08.2009 to till today along with revised family pension and other pensionary benefits as per the seventh pay commission with arrears, 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 dated Nil-09.2014 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, there shall be a direction to the respondents herein to consider the petitioner's representation, dated Nil-09-2014, 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.

6. With the above directions, this Writ Petition is disposed of No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

ASSISTANT REGISTRAR

TRUE COPY

/ /2020
SUB ASSISTANT REGISTRAR

rmk

To:

- 1.The Director of Rural Development,
Panagal Building,
Saidapetai, Chennai 600 015.
- 2.The Accountant General,
Office of the Accountant General,
Thenampet, Chennai-18.



3.The District Collector,
Theni District, Theni.

4.The District Treasury Officer,
The District Treasury,
Dindigul, Dindigul District.

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-5634[F] dated
11/02/2020)

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-5684[F] dated 11/02/2020)

+1 CC to M/s.SPL.GP (SR-5819[F] dated 12/02/2020)

W.P.(MD)No.2593 of 2020
11.02.2020

MKB(13.03.2020)/3P/8C