



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.02.2020**

CORAM:

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

W.P.(MD) No.3902 of 2020

WEB COPY

S.Selvakumar

... Petitioner

/vs./

1.The Principal Accountant General(A&E),  
Office of the Principal Accountant General,  
Anna Salai, Chennai-8.

2.The Pension Pay Officer,  
Amma Complex, Ground Floor,  
Veterinary Hospital Campus,  
No.571, Anna Salai,  
Nandanam,  
Chennai-600 035.

3.The Director of Pension,  
Amma Complex, 3<sup>rd</sup> Floor,  
Veterinary Hospital Campus,  
No.571, Anna Salai,  
Nandanam,  
Chennai-600 035.

4.The District Treasury Officer,  
Collectorate Campus,  
Madurai-625 020.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents to provide family pension to the petitioner after the demise of petitioner's mother namely Mrs.E.Sethu (PPO No.A403649) in accordance with Rule 49(6) of the Tamil Nadu Pension Rules, 1978 by considering the disability of the petitioner within the time period stipulated by this Court within the time period stipulated by this Court.

For Petitioner : Mr.P.Ganapathi Subramanian  
For R-1 : Mr.P.Gunasekaran

For R-2 to R-4 : Mr.M.Jeyakumar  
Additional Government Pleader

**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 to provide family pension to him after the demise of his mother namely Mrs.E.Sethu (PPO No.A403649) in accordance with Rule 49(6) of the Tamil Nadu Pension Rules, 1978, by considering the disability of him, in my view, such a decision is to be taken by the respondents 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 he has already made representation on 15.02.2020 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, there shall be a direction to the fourth respondent herein to consider the petitioner's representation, dated 15.02.2020, on its own merits and pass appropriate orders within a period of four (4) weeks from the date of receipt of a copy of this order. The petitioner is also called upon to submit a copy of the legal heirship certificate and disability certificate along with the copy of this order to the fourth respondent. 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 fourth respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To:

- 1.The Pension Pay Officer,  
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Veterinary Hospital Campus,  
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Nandanam,  
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- 3.The District Treasury Officer,  
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Madurai-625 020.

+1 CC to M/s.P.GUNASEKARAN, Advocate ( SR-9206[F] dated 28/02/2020 )

+1 CC to M/s.SPL.GP ( SR-8770[F] dated 27/02/2020 )

Order made in  
W.P. (MD) No.3902 of 2020

CP

KK/12.03.2020/ 3P- 6C

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