



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1534 of 2021

D.Boomadevi

...Petitioner

-vs-

1. The Chairman,
Chennai Port Trust,
No.1, Rajaji Salai,
Chennai-600 001.

2. The Accounts Officer (Pension),
for Financial Adviser & Chief Accounts Officer,
Chennai Port Trust,
No.1, Rajaji Salai,
Chennai-600 001.

3. The Inspector of Police
Sathangadu Police Station,
Thiruvottiyur

... Respondents

(R3 suo motu impleaded by this Court on 27.01.2021)

Prayer: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the representation dated 15.12.2020 of the petitioner.

For Petitioner : Mr.K.Bommuraj

For R1 & R2 : Mr.Haja Mohideen Gisthi
Standing Counsel

For R3 : Mrs.P.Rajalakshmi
Addl. Govt. Pleader

O R D E R

The petitioner has filed this writ petition, seeking a direction to the respondents 1 & 2 to consider the representation dated 15.12.2020 of the petitioner.

2. Heard the learned counsel on either side and perused the material documents available on record.



3. It is the case of the petitioner that her husband, who worked as Maistry in the Traffic Department of the Respondents 1 and 2, retired from service on 30.04.1993 and he has been suffering from Dementia (loss of memory power). It is further case of the petitioner that her husband left home on 05.07.2019 and did not return home despite a complete search in all his relatives. In this regard, a complaint was lodged before the 3rd Respondent and a case in Crime No.312 of 2019 was registered for Man Missing on 05.10.2019 and except registration of the case, no steps were taken by R3 to trace out her missing husband. It is the grievance of the petitioner that to add fuel to her sorrowfulness, the respondents 1 and 2 suddenly stopped the monthly pension payable to her husband, on account of which, she is struggling to eke out her livelihood at her old age. Hence, the petitioner made a representation dated 15.12.2020 to the respondents 1 and 2 for payment of arrears of pension amount and continuation of payment of regular pension in her name, instead of her husband's name. Since the said representation did not evoke any response, she is before this Court.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the respondents, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents 1 & 2 herein to consider the representation preferred by the petitioner dated 15.12.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order;

ii) The petitioner shall furnish her Mobile Number along with a copy of the representation dated 15.12.2020 and this order, to the respondents 1 and 2 forthwith, through her representative;

iii) The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of registered post/speed post without fail;

iv) The 3rd respondent is directed to take immediate steps to secure and find out the whereabouts of the petitioner's husband without showing any lackadaisical attitude in the case.



5. Last but not the least, this Court wants to emphasise that the Respondents 1 and 2, instead of driving a septuagenarian to approach this Court, could have taken a decision in respect of payment of pension and communicated the decision to her. The petitioner is already in a state of solitude without penny and striving for food and the Respondents 1 and 2 should not approach all matters in the same manner, being adopted in other cases and they must approach each and every case depending upon its veracity on humanitarian ground. The act of the Respondents 1 and 2 is highly deprecated and this Court do not want to make any further observation in this case and leave at that. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

1. The Chairman,
Chennai Port Trust,
No.1, Rajaji Salai,
Chennai-600 001.
2. The Accounts Officer (Pension),
for Financial Adviser & Chief Accounts Officer,
Chennai Port Trust,
No.1, Rajaji Salai,
Chennai-600 001.
3. The Inspector of Police
Sathangadu Police Station,
Thiruvottiyur

Copy to
The Public Prosecutor
High Court, Madras 104.

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AKII(CO)
SP(27/07/2021)