



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8304 of 2019
and
W.M.P.No.8846 of 2019

D.Santhi

...Petitioner

Vs

1.The District Collector,
Chennai Collectorate,
Singaravelar Maligai,
Rajaji Salai, Chennai-600 001.

2.The Personal Assistant (G) To
District Collector,
Chennai Collectorate,
Singaravelar Maligai,
Rajaji Salai, Chennai-600 001.

3.The Tahsildar,
Purasaiwalkam-Perambur Taluk,
Chennai-600 011.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first and second respondents herein to cancel the second respondent's two orders vide A3/54036/2004 dated 14.09.2004 and A4/54036/2009 dated 31.12.2009 pertaining to "Suspension and Not to retire" based upon the order of this Court in Crl.A.No.488 of 2010 dated 11.08.2017 and direct the respondents herein to take immediate action to sanction the arrears salary of the petitioner's husband from the date of his suspension i.e. 13.09.2004 till his retirement i.e. 31.12.2009 and direct the respondents to sanction her husband's family pension and retirement benefits to her based upon her representations dated 25.01.2019.

For Petitioner : Mr.S.Kumara Devan

For Respondents : Mr.K.V.Sajeev Kumar
Government Counsel



ORDER

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

2. Since the petitioner's request to sanction her husband's family pension and retirement benefits to her was not considered, the present writ petition has been filed. According to the petitioner, she has made a representation in this regard on 25.01.2019, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representation dated 25.01.2019 within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the first respondent to consider the petitioner's representation dated 25.01.2019 on its own merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar



hvk

To

1.The District Collector,
Chennai Collectorate,
Singaravelar Maligai,
Rajaji Salai, Chennai 600 001.

2.The Personal Assistant (G) To
District Collector,
Chennai Collectorate,
Singaravelar Maligai,
Rajaji Salai, Chennai-600 001.

3.The Tahsildar,
Purasaiwalkam-Perambur Taluk,
Chennai-600 011.

+1cc to M/s.S.Kumara Devan, Advocate, S.R.No.33341

W.P.No.8304 of 2019

and

W.M.P.No.8846 of 2019

PMK (CO)
SB(10/08/2021)