

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10896 of 2021

B.Jothi

...Petitioner

Vs

The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries
Board,
Kuralagam Building,
5th Floor, Explanade,
Chennai-600 108.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to provide Family Protection Fund Scheme Pension of Late.N.Balasubramaniam (Retired) to his wife B.Bala Jothi (A) Jothi on the petitioner's representation, dated 11.11.2020.

For Petitioner : Mr.K.Gangadaran

For Respondent : Mr.S.K.Bose, Standing Counsel

O R D E R

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

2. Since the petitioner's request to provide Family Protection fund Scheme pension of her husband late N.Balasubramaniam (Retired) was not considered, the present writ petition has been filed. According to the petitioner, she has made a representation in this regard on 11.11.2020, 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 respondent herein to consider the petitioner's representation dated 11.11.2020 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 respondent to consider the petitioner's representation dated 11.11.2020 on its own merits and pass appropriate orders in accordance with law, within a period of eight 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbn/hvk
To

The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam Building,
5th Floor, Explanade,
Chennai-600 108.

+1 CC to Mr.K. Gangadaran, Advocate sr 26194.

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JPII (CO)
SP(30/06/2021)

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