



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.20655 of 2021
and
W.M.P.No.21913 of 2021

S.Arulayee

...Petitioner

-Vs-

1.The Under Secretary to Govt. of India (INA),
Ministry of Home Affairs,
Freedom Fighters Division,
2nd Floor, NDCC - II Building,
Jai Singh Road, New Delhi - 110 003.

2.Senior Accounts Officer (Pension & Misc),
Pay and Accounts Office,
Ministry of Home Affairs,
Kendriya Terminal Church Road,
New Delhi - 11001.

3.The Additional Secretary,
Govt. of Tamilnadu,
Public (Political Pension) Department,
Secretariat, St.George Fort,
Chennai - 9.

4.The Collector of Chennai,
Chennai - 600 001.

5.The Tahsildar of Perumbur,
Perumbur - 600 011.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to dispose the representation made on 06.08.2021 by the petitioner.



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For Petitioner : M/S.V.Nandagopalan

For R1 & 2 : Mr.R.Rajesh Vivekananthan

For R3 to 5 : Mr.S.Arumugham
Government Counsel

ORDER

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

2. Since the petitioner's request seeking for freedom fighters family dependent pension was not considered by the respondent, the present writ petition has been filed. According to the petitioner, he has made a representation in this regard on 06.08.2021, 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 06.08.2021 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 herein to consider the petitioner's representation dated 06.08.2021 on its own merits and pass appropriate orders in accordance with law, within a period of 2 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.

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Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

hvk/ata
To

- 1.The Under Secretary to Govt. of India (INA),
Ministry of Home Affairs,
Freedom Fighters Division,
2nd Floor, NDCC - II Building,
Jai Singh Road, New Delhi - 110 003.
- 2.Senior Accounts Officer (Pension & Misc),
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- 4.The Collector of Chennai,
Chennai - 600 001.
- 5.The Tahsildar of Perumbur,
Perumbur - 600 011.

+1cc to the Government pleader sr.50112
+1cc to M/S.V.Nandagopalan, Advocate Sr.50221[05/01/2022]

W.P.No.20655 of 2021
&
W.M.P.No.21913 of 2021

rr[co]
srg 29/09/2021