



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 22.07.2021

WEB COPY

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30773 of 2019
(Through Video Conference)

Mrs.K.Thangam

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary,
Transport Department,
Secretariat, Chennai 600 009

2. The State of Tamil Nadu,
Rep. by its Secretary,
Finance Department,
Secretariat, Chennai 600 009

3. The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam Limited) Kumbakonam,
27, Railway Station New Road,
Kumbakonam - 612 001

4. The Assistant Commissioner (Pension),
Employees Provident Fund Organization,
Sub-Regional Office, P.B.No.588,
Sree Complex, 'D'Block,
18, Madurai Road,
Tiruchirapalli 620 008

5. The Assistant Commissioner,
Employees Provident Fund Organization,
Sub-Regional Office, Ambattur,
R-40, A1, TNEB Shopping cum complex,
Mugapair, Chennai 600 037

...Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to grant Tamil Nadu State Government Family Pension and pay arrears of family pension to the petitioner as per G.O.Ms.No.189, Transport Department, dated 13.08.2004 and G.O.Ms.No.42, Transport (RW) Department, dated 27.05.2005 for the service rendered by petitioner's husband in the State Transport Department in accordance with the judgments in W.A.Nos.1246 of 2009, dated 18.08.2010 on the file of this Hon'ble Court and directing the 5th respondent; to stop payment of Employees Provident Fund Pension to the petitioner forthwith and furnish statement of account of total provident fund pension which was paid to the petitioner from 13.08.2004 to the respondents 1,2 and 3 to enable them to pat the family pension as per order of this Court referred above.

For Petitioner : No Appearance

For RR 1,2,4& 5 : Mr.Tipu Sulthan
Government Advocate

For R-3 : Mr.P.Venkatachalam,
Standing Counsel for Transport
Corporation (Kumbakonam)

O R D E R

Since the petitioner's request for the sanction of Tamil Nadu State Government Employees Family Pension for the service rendered in the Tamil Nadu State Government, Transport Department by her husband was not considered, the present Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 10.07.2019, which is still pending.

2. 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.

3. In the light of the above observations, it would be appropriate to direct the respondents herein to consider the petitioner's representation dated 10.07.2019 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 respondents to consider the same on its own merits.

4. Accordingly, there shall be a direction to the respondents to consider the petitioner's representation dated 10.07.2019 on its own merits and pass appropriate orders in accordance with law, within a period of eight (08) weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

sts

To:

1. The Secretary,
Transport Department,
Secretariat, Chennai 600 009
2. The Secretary,
Finance Department,
Secretariat, Chennai 600 009
3. The Assistant Commissioner (Pension),
Employees Provident Fund Organization,



Sub-Regional Office, P.B.No.588,
Sree Complex, 'D'Block,
18, Madurai Road,
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4. The Assistant Commissioner,
Employees Provident Fund Organization,
Sub-Regional Office, Ambattur,
R-40, A1, TNEB Shopping cum complex,
Mugapair, Chennai 600 037

+1CC to M/s.D.Venkatachalam, Advocate, SR.No. 35256

W.P.No.30773 of 2019

CP(CO)
B.VC (26/08/2021)