



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.1266 of 2020

WEB COPY

B.Thenmozhi

...Petitioner

Vs

1.The Principal Secretary to Government and the
Chairman of the State Transport Undertakings,
Government of Tamil Nadu, Transport Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Administrator,
TNSTC Employees Pension Fund Trust,
Thiruvalluvar Illam,
Chennai-600 002.

3.The Account General,
O/o. Account General,
Thenampet, Chennai.

4.The pension Pay Officer,
Pension Office,
T.M.S.Compound,
Chennai-600 006.

5.The Managing Director,
State Express Transport Corporation (TN) Ltd.,
Anna Salai,
Chennai 600 002.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to pay the family pension to the petitioner as per the G.O.29 dated 31.01.2013 from the date on which the petitioner become widow i.e., 15.12.2015.

For Petitioner : Mr.R.Saravanan

For R-1, R-2
and R-4 : Mr.M.Muniyasamy
Additional Government Pleader

For R-3 : Mr.P.Gunasekaran

For R-5 : Mr.R.Rajamohan



O R D E R

Since the petitioner's request to the respondents to pay the family pension to her was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 10.12.2019, 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 fifth respondent herein to consider the petitioner's representation dated 10.12.2019, 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 view 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.

4. Accordingly, there shall be a direction to the fifth respondent to consider the petitioner's representation dated 10.12.2019, 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.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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4.The Account General,
O/o. Account General,
Thenampet, Chennai.

+1 CC to Mr.R.RAJA MOHAN, Advocate (SR-3207[F] dated 04/02/2021)

+1 CC to SGP (SR-3303[F] dated 04/02/2021)

+1 CC to Mr.R.SARAVANAN, Advocate (SR-3171[F] dated 04/02/2021)

Order made in
W.P. (MD) No.1266 of 2020
03.02.2021

KM (18.02.2021) 3P 8C