



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.2558 of 2021

M.Kathirvel Pandian

... Petitioner

Vs.

1. The Manager,
Canara Bank Employees Pension Fund,
HR Wing, Naveen Complex,
MG Road, Bangalore - 560 001.

2. The Manager,
Canara Bank, HRM Section,
Circle Office, St. Mary's Church Campus,
Madurai - 625 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to sanction and release the family pension due to the demise of the petitioner's father S.Muthusamy to M.Sathyabama Daughter of Muthusamy who is having 50% disability in the nature of IDC psychosis by considering the representation of the petitioner dated 01.01.2021, within a time frame that may be stipulated by this Court.

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.C.Karthik

O R D E R

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

2.Since the petitioner's request to the respondents to sanction and release the family pension due to the demise of the petitioner's father S.Muthusamy to M.Sathyabama Daughter of Muthusamy who is having 50% disability in the nature of IDC psychosis, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 01.01.2021, which is still pending.

3. It is needless to point out that whenever a representation of services equivalent to that 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 respondents herein to consider the petitioner's representation dated 01.01.2021, 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 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.

5. Accordingly, there shall be a direction to the respondents to consider the petitioner's representation dated 01.01.2021, on its own merits and pass appropriate orders in accordance with law, within a period of twelve 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.

Sd/-
Assistant Registrar (T&P)

// True Copy //

/ /2021
Sub Assistant Registrar(CS-)

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.*

+1 CC to Mr.S.C.HEROLD SINGH, Advocate (SR-4841[F] dated 12/02/2021)

TM

TE : 01/03/2021 : 2P/2C

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11.02.2021