



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.5018 of 2021

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J.Chinnaponnu

...Petitioner

Vs.

- 1.The Accountant General, (Accounts & Entitlements)
Office of the Accountant General,
No.361, Annasalai,
Chennai.
 - 2.The Director of Pension,
DMS Compound,
Chennai - 5.
 - 3.The District Treasury Officer,
Dindigul District Treasury Office,
Dindigul.
 - 4.The Assistant Treasury Officer,
Sub Treasury Office,
Kodaikanal Post,
Dindigul District.
 - 5.The Assistant Director,
Animal Husbandry Office,
O/o. The Assistant Director of Animal Husbandry Office,
Kodaikanal, Dindigul District.
 - 6.The District Collector,
Office of the District Collector,
Dindigul.
 - 7.The Sub Collector/
The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Kodaikkanal Post,
Dindigul District.
 - 8.The Tahsildar,
Office of the Taluk Office,
Kodaikanal Taluk Office,
Dindigul District.
- ... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 herein to pay the petitioner's monthly pension on the basis of the communication issued by the Joint Director, Directorate of Pension, Chennai, in his Lr.No. 1031/2021/D5, dt. 27.01.2021, within the time stipulated by this Court

For Petitioner : Mr.K.Neelamegam

For Respondents : Mr.P.Mahendran
Additional Government Pleader

O R D E R

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

2.Since the petitioner's request to the respondents to pay the petitioner's monthly pension on the basis of the communication issued by the Joint Director, Directorate of Pension, Chennai, in his Lr.No. 1031/2021/D5, dt. 27.01.2021, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 19.01.2021, 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 respondents 1 and 2 herein to consider the petitioner's representation dated 19.01.2021, 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 1 and 2 to consider the petitioner's representations dated 19.01.2021, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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(CS-II)

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/ /2021

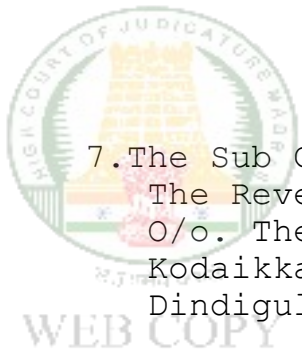
Sub Assistant Registrar(CS)

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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

- 1.The Accountant General, (Accounts & Entitlements)
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- 5.The Assistant Director,
Animal Husbandry Office,
O/o. The Assistant Director of Animal Husbandry Office,
Kodaikanal, Dindigul District.
- 6.The District Collector,
Office of the District Collector,
Dindigul.



7.The Sub Collector/
The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Kodaikkanal Post,
Dindigul District.

8.The Tahsildar,
Office of the Taluk Office,
Kodaikkanal Taluk Office,
Dindigul District.

+1 CC to M/s.K.NEELAMEGAM, Advocate (SR-9760[F] dated 10/03/2021)

+1 CC to M/s.SPL GP (SR-10210[F] dated 10/03/2021)

W.P. (MD) No.5018 of 2021
09.03.2021

ES(CO)
TR(24.03.2021) 4P 11C