



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.7434 of 2021

M.Pappathi

...Petitioner

Vs

- 1.The Principal Secretary to Government,
Social Welfare and NMP Department,
Secretariat, Chennai-600 009.
- 2.The Principal Accountant General (A&E),
Tamil Nadu, Teynampet,
Chennai-600 018.
- 3.The Director of Social Welfare and Nutritious Meal
Programme Department,
No.1, Panagal Maaligai 2nd floor,
Jenis Road, Saidapet,
Chennai-600 015.
- 4.The Programme Officer, District Cell,
Integrated Child Development Scheme,
Pududukkottai-622001,
Pudukkottai District.
- 5.The Child Development Project Officer,
Avudaiyarkovil,
Pudukkottai District-614616.
- 6.M.Kaleeswari

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to consider the representation of the petitioner dated 17.02.2021 for relaxation of relevant Tamil Nadu Pension Rules, 1978, within a period that may be stipulated by this Court.

For Petitioner	: Mr.K.Ponnaiah for M/s.Ajmal Associates
For R-1, R-3, R-4 and R-5	:Mr.P.Kannithevan Additional Government Pleader
For R-2	:Mr.P.Gunasekaran

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 relax the relevant Rules of Tamil Nadu Pension Rules, 1978 for getting family pension in favour of her was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 17.02.2021, which is still pending.

WEB COPY

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 17.02.2021, 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 first respondent to consider the petitioner's representation dated 17.02.2021 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 (CSI)

// 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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

- 1.The Principal Secretary to Government,
Social Welfare and NMP Department,
Secretariat, Chennai-600 009.
 - 2.The Director of Social Welfare and Nutritious
Meal Programme Department,
No.1, Panagal Maaligai 2nd floor,
Jenis Road, Saidapet,
Chennai-600 015.
 - 3.The Programme Officer, District Cell,
Integrated Child Development Scheme,
Pududukkottai-622001,
Pudukkottai District.
 - 4.The Child Development Project Officer,
Avudaiyarkovil,
Pudukkottai District-614616.
 - 5.The Principal Accountant General (A&E), Tamilnadu,
Teynampet, Chennai - 600 018.
- +1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-15077[F] dated
01/04/2021)

W.P. (MD) No.7434 of 2021
01.04.2021

RP (26.05.2021) P 7C