



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.254 of 2019

M.Thirumani Selvi

...Petitioner

Vs.

1.The Chief Internal Audit Officer,
Board Office Audit Branch,
N.P.K.R.R.Maaligai,
TANGEDCO,
144, Anna Salai, Chennai.

2.The Superintending Engineer,
TANGEDCO,
Tuticorin Electricity Distribution Circle,
Tuticorin.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to disburse the death-cum-retirement benefit dues to the petitioner based on her representation, dated 01.11.2018, insofar as death-cum-retirement benefits concerned without any further delay within a reasonable time to be stipulated by this Court.

For Petitioner : Mr.W.Pamelin
For Respondents : Mr.T.Sakthikumaran
Standing Counsel

O R D E R

Heard Mr.W.Pamelin, learned counsel for the petitioner and Mr.T.Sakthi Kumaran, learned Standing Counsel for the respondents.

2.Since the petitioner's request to the respondents to disburse the death-cum-retirement benefit dues to the petitioner, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 01.11.2018, 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 herein to consider the petitioner's representation dated 01.11.2018, 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 01.11.2018, on its own merits and pass appropriate orders in accordance with law, after giving due opportunities to all the parties, if any rival claims arise, within a period of two 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 (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM

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.T.SAKTHI KUMARAN, Advocate (SR-7612
[F] dated 26/02/2021)

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