



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.18806 of 2020

S.Ramachandran @ Thakalai Chandran

...Petitioner

Vs

1.Government of India

Ministry of Home Affairs,

P.O.A(Pension & Misc.,)

2/10 Jamnagar House,

New Delhi-110 011.

2.The State of Tamil Nadu,

Rep. by its, Principal Secretary to Government,

Public (Political Pension 3) Department,

St.George Fort,

Chennai-09.

3.The District Collector,

Kaniyakumari District,

Kaniyakumari.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to grant freedom fighter pension arrears amount payable to his father R.Sivan Pillai, S/o. Ramasamy Pillai from the date of G.O to till his death on 25.08.1997 and the family pension payable to his mother Ponnammal died on 01.07.1997 and to make suitable recommendation to the first respondent for the Central Government freedom fighter pension for his father R.Sivan Pillai for the period while he was alive by considering the petitioner representation dated 11.11.2020 within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For R-1 : Mr.S.Jeyasingh

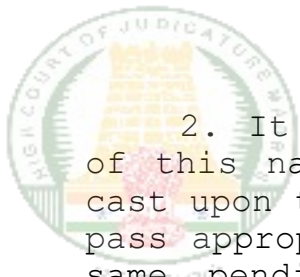
Central Government Standing Counsel

For R-2 and R-3 : Mr.P.Mahendran

Additional Government Pleader

O R D E R

Since the petitioner's request to the respondents to grant freedom fighter pension arrears amount payable to his father R.Sivan Pillai, from the date of G.O to till his death on 25.08.1997 and the family pension payable to his mother Ponnammal died on 01.07.1997 were not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 11.11.2020, 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 second respondent herein to consider the petitioner's representation dated 11.11.2020, within a stipulated time and thereby the ends of justice could be secured.

4. Accordingly, there shall be a direction to the second respondent to consider the petitioner's representation dated 11.11.2020, 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.

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

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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 Principal Secretary to Government,
The State of Tamil Nadu,
Public (Political Pension 3) Department,
St. George Fort,
Chennai-09.



2.The District Collector,
Kaniyakumari District,
Kaniyakumari.

+1 CC to M/s.SPL GP (SR-1663[F] dated 21/01/2021)

+1 CC to M/s.S.JEYA SINGH, Advocate (SR-1192[F] dated 19/01/2021)

W.P. (MD) No.18806 of 2020
19.01.2021

SVN(CO)
KB(01.02.2021) 3P 5C