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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.622 OF 2016

Kalavathy ... Petitioner

-Vs-

1. The Corporation of Chennai
   Represented by its Commissioner,
   Rippon Building,
   Chennai - 600 003.

2. The Zonal Officer,
   Zone IV,
   Corporation of Chennai,
   Tondiarapet,
   Chennai - 600 084.

3. The Secretary to Government,
   Municipal Administration,
   Water Supply Department,
   Fort St. George,
   Chennai - 600 009. ... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay the gratuity, Family Pension Arrears, Family Pension, Pay Commission Arrears with 18% interest from the date of death of petitioner's husband i.e 02.09.2013 to the petitioner.

For Petitioner : M/s.N.Beulah John Selvaraj

For R-1 & R-2 : M/s.Karthikaa Ashok

For R-3 : Mr.C.Selvaraj
Additional Government Pleader

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ORDER

The petitioner herein had given a representation to the respondents on 15.12.2015, requesting to pay the gratuity, Family Pension Arrears, Family Pension, Pay Commission Arrears with 18% interest from the date of death of petitioner's husband on 02.09.2013 to the petitioner. Since the said representation was not considered, the present writ petition has been filed.

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. Since the representation given by the petitioner dates back to the year 2015, it would be appropriate that the petitioner be granted liberty to give a fresh representation, with a consequential direction to the respondents herein to consider the same.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents along with a copy of the earlier representation, dated 15.12.2015, herein ventilating his grievances. On receipt of the same, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of four (04) weeks from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gd

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To

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   Chennai - 600 084.

3. The Secretary to Government
   Municipal Administration
   Water Supply Department
   Fort St. George,
   Chennai - 600 009.

+1cc to M/s.N.Beulah John Selvaraj, Advocate, S.R.No.2134
+1cc to M/s.Karthikaa Ashok, Advocate, S.R.No.1925

W.P.NO.622 OF 2016

SPD(CO)
PBS/14/02/2022

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