



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.06.2022**

CORAM:

THE HONOURABLE **MR. JUSTICE M. S. RAMESH**

W.P. (MD) No. 10984 of 2022

G. Wiselin Chithra

... Petitioner

/vs./

1. The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
K.T.C. Nagar, Tirunelveli - 11.

2. The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Nagarcoil Region,
Rani Thottam, Nagarcoil,
Kanyakumari District.

3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to grant and settle the Family Pension payable to the petitioner along with arrears of Family Pension from the date of death of petitioner's husband Gunaseelan on 24.10.2021 by making necessary entries the petitioner as nominee in the Service Register of the Petitioner's Husband along with belated payment interest at the rate of 18 % per annum.

For Petitioner	:	Mr. S. Govindan
For Respondents	:	Mr. R. Rajamohan
		Standing Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had given a representation to the respondents on 09.03.2022 seeking for the grant of the Family Pension payable to the petitioner along with arrears of Family Pension from the date of death of petitioner's husband, Gunaseelan on 24.10.2021 by making necessary entries that the petitioner as a nominee in the Service Register of the Petitioner's Husband along with belated payment interest at the rate of 18 % per annum. Since



the said representation was not considered, the present writ petition has been filed.

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, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 09.03.2022 on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views 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.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sm

To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
K.T.C.Nagar, Tirunelveli - 11.

2.The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Nagarcoil Region,
Rani Thottam, Nagarcoil,
Kanyakumari District.



3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 2.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-24680[F] dated 08/06/2022)
W.P.(MD)No.10984 of 2022
08.06.2022

MGJ(16.06.2022) 3P 5C