



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2022

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.13180 of 2022

Kasthuri

... Petitioner

Vs.

1.The Accountant General,
Accountant General Office,
No.361, Anna Salai,
Chennai - 18.

2.The District Treasury Officer,
District Treasury Office,
Virudhunagar,
Virudhunagar District.

3.The Sub Treasury Officer,
Sub Treasury Office,
Srivilliputtur,
Virudhunagar District.

4.The District Educational Officer,
District Educational Office,
Virudhunagar,
Virudhunagar District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 3rd Respondent to forward the family pension document to the 1st respondent and thereby the 1st respondent to give Family Pension to the petitioner as per the Pension Payment order in Pension Payment Order No. C133879/EDP, by considering the petitioner's representation dated 15.12.2021.

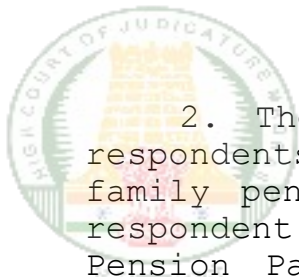
For Petitioner : Mr.S.Muniyandi

For Respondents : Mrs.Mahalakshmi for R1
Standing Counsel

Mr.S.Shaji Bino for R2 to R4
Special Government Pleader

O R D E R

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 15.12.2021 seeking the 3rd Respondent to forward the family pension document to the 1st respondent and thereby the 1st respondent to give Family Pension to the petitioner as per the Pension Payment order in Pension Payment Order No. C133879/EDP. Since the said representation was not considered, the present writ petition has been filed. It is now brought to the notice of this Court that the petitioner herein is the second wife of the deceased employee.

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 15.12.2021 on its own merits and pass appropriate orders in accordance with law, after giving an opportunity to the petitioner as well as the first wife of the deceased employee namely Late Palraj, within a period of three (3) months 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 (AD II)

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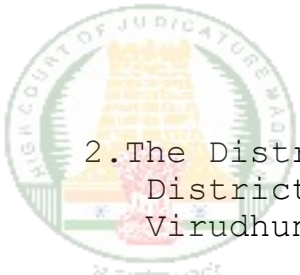
/07/2022

Sub Assistant Registrar(CS)

TM

To

1.The Accountant General,
Accountant General Office,
No.361, Anna Salai, Chennai - 18.



2.The District Treasury Officer,
District Treasury Office,
Virudhunagar, Virudhunagar District.

3.The Sub Treasury Officer,
Sub Treasury Office,
Srivilliputtur, Virudhunagar District.

4.The District Educational Officer,
District Educational Office,
Virudhunagar, Virudhunagar District.

+1 CC to M/s.S. MAHALAKSHMI, Advocate(SR-28805[F] dated
29/06/2022)

+1 CC to M/s.SPL.GP (SR-28450[F] dated 28/06/2022)

W.P. (MD) No.13180 of 2022

27.06.2022

MGJ(06.07.2022) 3P 7C