



W.P.(MD).No.15544 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2022

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD).No.15544 of 2022

K.Parvathy

... Petitioner

Vs.

1.The Principal Accountant General A&E Tamilnadu,
361, Anna Salai,
Chennai – 600018.

2.The Joint Director of Health Service,
Tenkasi District,
Tenkasi – 627811.

3.The Assistant Treasury Officer,
Sub Treasury – Ambasamudram,
Tirunelveli District – 627 401.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to forward the Revised Family Pension Proposal as per the 6th and 7th Pay Commission read with the G.O.Ms.No.303 Finance (Paycell) Department dated 11.10.2017 concerning the petitioner's family pension in P.P.O.NO.PFC256902/MED to the first respondent and direct the first respondent to pay the petitioner her entitlement including the arrears from 12.05.2007 of the revised pension with interest, within a time to be stipulated by this Court.



W.P.(MD).No.15544 of 2022

For Petitioner : Mr.S.Loganathan
For R-1 : Mrs.S.Mahalakshmi,
Standing Counsel.
For R-2 and R-3 : Mrs.D.Farjana Ghoushia,
Special Government Pleader.

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein had given representations to the second respondent on 10.03.2022 and 08.07.2022 seeking to forward the revised family pension proposal of the petitioner to the first respondent. Since the said representations were 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



W.P.(MD).No.15544 of 2022

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 and third respondents herein to consider the petitioner's representations dated 10.03.2022 and 08.07.2022 on its own merits and pass appropriate orders in accordance with law, 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. There shall be no order as to costs.

18.07.2022

Index : Yes / No
Internet : Yes/ No
Lm/TM



W.P.(MD).No.15544 of 2022

To

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M.S.RAMESH, J.



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W.P.(MD).No.15544 of 2022

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W.P.(MD).No.15544 of 2022

18.07.2022