



WP(MD)No.15582 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.07.2022**

CORAM:

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

W.P.(MD)No.15582 of 2022

and

W.M.P(MD)No.11224 of 2022

Kamuthai

... Petitioner

/vs./

1.The Chief Engineer,
TANGEDCO,
Anna Salai,
Chennai-600 002.

2.The Superintending Engineer,
TANGEDCO,
Theni Distribution Circle,
Theni District.

3.The Executive Engineer,
TANGEDCO,
Theni.

4.V.Chinnasamy
5.Pichaiammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 herein to

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apportion the petitioner herein and her daughters 60 percent of the retirement benefits and monthly pension payable to the fourth respondent herein in accordance with law and as per the order of this Court, dated 25.03.2022 in WP(MD).No.5318 of 2022 on the file of this Court.

For Petitioner : Mr.Y.Sasi Kumar
For R-1 to R-3 : Mr.S.Arivalagan
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 19.04.2022 seeking apportion the petitioner herein and her daughters 60 percent of the retirement benefits and monthly pension payable to the fourth respondent herein in accordance with law and as per the order of this Court, dated 25.03.2022 in WP(MD).No.5318 of 2022 on the file of this Court. Since the said representation was not considered, the present Writ Petition has been filed.



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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 third respondent herein to consider the petitioner's representation dated 19.04.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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.



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19.07.2022

Index : Yes / No
Internet : Yes / No
btr

To

- 1.The Chief Engineer,
TANGEDCO,
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Chennai-600 002.
- 2.The Superintending Engineer,
TANGEDCO,
Theni Distribution Circle,
Theni District.
- 3.The Executive Engineer,
TANGEDCO,
Theni.



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M.S.RAMESH, J.

btr

Order made in
W.P.(MD)No.15582 of 2022

Dated:
19.07.2022