



WP(MD)No.15722 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.07.2022**

CORAM:

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

W.P.(MD)No.15722 of 2022

D.S.Natesan

... Petitioner

/vs./

1.The Secretary to Government,
Transport Department,
Secretariat,
Chennai-600 009.

2.The Managing Director,
State Express Transport Corporation Limited,
Chennai-2.

3.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Tirunelveli Region,
Tirunelveli District.

4.The Assistant Commissioner,
Sub-Regional Office,
Employees Provident Fund Organization,
No.66, Water Tank Road,
Nagercoil-1.

6.The Administrator,
TNSTC Employees Pension Fund Trust,
Pallavaram House, Anna Salai,
Chennai-600 002.

... Respondents



WP(MD)No.15722 of 2022

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to provide the arrears of the family pension due to the petitioner's deceased mother by re-fixing the family pension in the light of the order passed in W.P. No.20068 of 2019, dated 18.09.2019 within the time stipulated by this Court.

For Petitioner : Mr.S.Louis
For R-1 : Mrs.D.Farjana Ghoushia
Special Government Pleader
For R-2 & R-4 : Mr.S.C.Herold Singh
Standing Counsel
For R-3 : Mr.D.Jebaraj
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 22.04.2022 seeking to provide the arrears of the family pension due to the petitioner's deceased mother by re-fixing the family pension in the light of the order passed in W.P. No.20068 of 2019, dated 18.09.2019. Since the said



WP(MD)No.15722 of 2022

WEB COPY

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 respondents 2 to 5 herein to consider the petitioner's representation dated 22.04.2022 in the light of the order passed in W.P. No.20068 of 2019, dated 18.09.2019 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



WP(MD)No.15722 of 2022

WEB COPY 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.

20.07.2022

Index : Yes / No
Internet : Yes / No
btr/TM

To

- 1.The Secretary to Government,
Transport Department,
Secretariat,
Chennai-600 009.
- 2.The Managing Director,
State Express Transport Corporation Limited,
Chennai-2.
- 3.The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Tirunelveli Region,
Tirunelveli District.

4/6



WP(MD)No.15722 of 2022

WEB COPY

4.The Assistant Commissioner,
Sub-Regional Office,
Employees Provident Fund Organization,
No.66, Water Tank Road,
Nagercoil-1.

6.The Administrator,
TNSTC Employees Pension Fund Trust,
Pallavaram House, Anna Salai,
Chennai-600 002.



WEB COPY



WP(MD)No.15722 of 2022

M.S.RAMESH, J.

btr/TM

Order made in
W.P.(MD)No.15722 of 2022

Dated:
20.07.2022