



WP(MD)No.16148 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.07.2022**

CORAM:

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

W.P.(MD)No.16148 of 2022

Thamizharasi

... Petitioner

/vs./

1.The Special Officer & Commissioner,
Tiruchirappalli City Corporation,
Tiruchirappalli.

2.The Assistant Commissioner,
Ponmalai Division,
Tiruchirappalli City Corporation,
Tiruchirappalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to forthwith disburse all the death-cum-terminal benefits, gratuity and pension from the respondents together with interest at 12 percent p.a from 08.05.2021 the date of death of petitioner's husband Ramalingam, till date of payment.

For Petitioner : Mr.K.Appadurai
For Respondents : Mr.R.Baskaran
Standing Counsel



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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 first respondent on 16.06.2021 seeking to disburse all the death-cum-terminal benefits, gratuity and pension from the respondents together with interest at 12 percent p.a from 08.05.2021 the date of death of petitioner's husband Ramalingam, till date of payment. 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



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4. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 16.06.2021, 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, after giving due opportunity to all the persons who are interested in the subject matter of the issue. 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.

25.07.2022

Index : Yes / No
Internet : Yes / No
btr



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To

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Tiruchirappalli.
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Ponmalai Division,
Tiruchirappalli City Corporation,
Tiruchirappalli.



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M.S.RAMESH, J.

btr

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