



W.P.(MD) No.16066 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.16066 of 2022

Santhanajothi

... Petitioner

Vs.

**1.The Administrator,
TNSTC Employee Pension Fund Trust,
SETC Office Campus,
No.2, Pallavan Salai,
Chennai – 600 002.**

**2.The General Manager,
Tamilnadu State Transport Corporation,
Tiruvananthapuram Road,
Tirunelveli,
Tirunelveli District.**

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 03.12.2020 and pass orders on merits in accordance with law, within a prescribed time as stipulated by this Court.



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For Petitioner : Mr.Raja Muthumalai

For Respondents : Mr.D.Jebaraj for R1 and R2
Standing Counsel

Mr.S.C.Herold Singh for R3

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 03.12.2020 seeking family pension of his late husband. 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



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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 03.12.2020 on its own merits and pass appropriate orders in accordance with law, within a period of six (6) 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.

5. With the above direction, the Writ Petition stands disposed of. No costs.

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Index : Yes / No
Speaking Order/ Non Speaking Order

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M.S.RAMESH,J.

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