



WP(MD)No.16021 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.07.2022**

CORAM:

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

W.P.(MD)No.16021 of 2022

S.Gomathi

... Petitioner

/vs./

1.The Secretary to the Government,  
(Revenue Department),  
Secretariat,  
Fort St.George,  
Chennai-600 009.

2.The Principal Accountant General (A&E),  
Tamil Nadu Circle,  
361, Annasalai,  
Tenampettai,  
Chennai-600 018.

3.The Tahsildar,  
Sivakasi,  
Virudhunagar-626 001.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the benefit of Death cum Retirement Gratuity (DCRG) Payable to the petitioner on account of the death of her husband, namely, K.Sukkal while he is in service, with interest



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at the rate of 12 percent per annum till the disbursement.

For Petitioner : Mr.T.Antony Arul Raj

For Respondents : Mr.A.Sivanupandian,  
Government Advocate

### **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 District Collector, Virudhunagar on 06.06.2022 seeking to disburse the benefit of Death cum Retirement Gratuity (DCRG) Payable to the petitioner on account of the death of her husband, namely, K.Sukkal while he is in service, with interest at the rate of 12 percent per annum till the disbursement. 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



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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 petitioner to give a fresh representation to the first and second respondents, though he has made a representation, dated 06.06.2022, seeking to disburse the benefit of Death cum Retirement Gratuity (DCRG) Payable to the petitioner on account of the death of her husband, namely, K.Sukkal while he is in service, with interest at the rate of 12 percent per annum till the disbursement. On receipt of such a representation, the respondents herein are directed to consider the same, 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 fresh representation. 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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5. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

**22.07.2022**

Index : Yes / No  
Internet : Yes / No  
btr/lm

To

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**M.S.RAMESH, J.**

btr/lm

Order made in  
W.P.(MD)No.16021 of 2022

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