



WP(MD)No.18758 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.08.2022**

CORAM:

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

W.P.(MD)No.18758 of 2022

and

W.M.P(MD)No.13679 of 2022

S.Mariammal

... Petitioner

/vs./

1.The Chief Engineer,
Tamil Nadu Housing Board, Anna Salai,
Nandhanam, Madurai.

2.The Executive Engineer,
Tamil Nadu Housing Board,
Ellis Nagar, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to sanction the pension benefits eligible to receive by the petitioner by fixing a time frame and thus render justice.

For Petitioner : Mr.R.Ramasamy

For Respondents : Mr.S.Sumesh
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 second respondent on 04.07.2022 seeking to sanction the pension and pension benefits. 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 to consider the same within a stipulated time.



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4. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 04.07.2022, after conducting proper enquiry with regard to the petitioner's entitlement to receive the pensionary benefits, 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.

5. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

18.08.2022

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



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M.S.RAMESH, J.

btr/lm

To

- 1.The Chief Engineer,
Tamil Nadu Housing Board, Anna Salai,
Nandhanam, Madurai.
- 2.The Executive Engineer,
Tamil Nadu Housing Board,
Ellis Nagar, Madurai.

Order made in
W.P.(MD)No.18758 of 2022

Dated:
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