



WEB COPY



W.P.No.5559 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5559 of 2023

K.Bhuvaneswari

...Petitioner

Vs

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Human Resource Management
(N-Spl,) Department,
Secretariat, Chennai - 600 009.

2.The Government of Tamil Nadu,
Rep. by its Secretary to Finance Department,
Secretariat, Chennai - 600 009.

3.The Tamil Nadu Lokayukta,
Rep. by its Secretary,
SIDCO Buildings,
7th Floor, Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai - 600 032.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to fix pension to the petitioner's husband late R.Krishnamoorthy and Family Pension to me besides gratuity and encashment of leave and other allowance in accordance with



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Rule 15 and 16 of the Tamil Nadu Lokayukta Rules, 2018, as per the representation of the petitioner dated 29.01.2022 and 27.01.2023.

For Petitioner : M.Rajasekhar

For Respondents : Ms.P.Vijaya Devi,
Government Advocate

ORDER

With the consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given representations to the third respondent on 29.01.2022 and 27.01.2023, seeking for fixation of her husband's pension, together with family pension, gratuity, encashment of leave and other allowances. Since the said representations were 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



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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 third respondent herein to consider the petitioner's representations dated 29.01.2022 and 27.01.2023, in accordance with Rule 15 and 16 of the Tamil Nadu Lokayukta Rules, 2018 and pass appropriate orders in accordance with law, within a period of four 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 ordered. No costs.

24.02.2023

Index: Yes/No
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M.S.RAMESH,J.

hvk

To

- 1.The Secretary,
Human Resource Management
(N-Spl,) Department,
Secretariat, Chennai - 600 009.
- 2.The Secretary to Finance Department,
Secretariat, Chennai - 600 009.
- 3.The Secretary,
Tamil Nadu Lokayukta,
SIDCO Buildings,
7th Floor, Thiru.Vi.Ka.Industrial Estate,
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