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W.P.No.8187 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8187 of 2022

Rose Mary. S

... Petitioner

Vs.

- 1.Senior Civil Surgeon,
Government Hospital,
Walajapettai – 632 513.
- 2.Joint Director of Medical Services,
Vellore District,
Vellore – 632 001.
- 3.The Director,
Medical and Rural Health Services,
DMS Complex,
Anna Salai,
Chennai – 600 045.
- 4.The Principal Accountant General (A&E),
Anna Salai,
Teynampet,
Chennai – 600 045.
- 5.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Health & Family Welfare,
St. George Fort,
Chennai – 600 009.

... Respondents



W.P.No.8187 of 2022

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 23.03.2021 and sanction family pension to the petitioner from the date of death of her husband.

For Petitioner : Mr.S. Ranjith Kumar

For Respondents : Mr.P. Baladhandayutham,
Special Government Pleader [R1 to R3]

Mrs.J. Sreevidya,
Senior Counsel [R4]

ORDER

Heard the learned counsel for the petitioner, learned Special Government Pleader appearing for the respondents 1 to 3 and learned senior counsel for the fourth respondent.

2. The petitioner has given representation to the first and second respondents on 23.03.2021, requesting to sanction family pension to her from the date of death of her husband i.e. 11.12.2014. Since the said representation was not considered, the present Writ Petition has been filed.



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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.

4. In the light of the above observations, there shall be a direction to the respondents herein, to consider the petitioner's representation dated 23.03.2021, on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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.



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

30.06.2023

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

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To

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M.S.RAMESH,J.

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