



WEB COPY



W.P.No.9145 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.9145 of 2022

G.Palaniammal

... Petitioner

Vs

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai-9.

2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai-15.

3.The Conservator of Forests,
Villupuram Circle,
Villupuram.

4.The Divisional Forest Officer,
Interface Forestry Division,
Kallakurichi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to



W.P.No.9145 of 2022

dispose the petitioner's Appeal dated 08.09.2014 as against the order of dismissal of the petitioner's husband and to issue family pension and death cum retirement benefits of the petitioner's husband with interest within a time frame.

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.P.Baladhandayutham,
Special Government Pleader

ORDER

Heard Ms.K.Jenitha, learned counsel for the petitioner and Mr.P.Baladhandayutham, learned Special Government Pleader for the respondents.

2.The petitioner herein had preferred an Appeal before the third respondent on 08.09.2014 for issuance of family pension and death cum retirement benefits of her husband. Since the said Appeal was not considered, the present writ petition has been filed.

3.It is needless to point out that whenever a representation of this



W.P.No.9145 of 2022

WEB COPY

nature is made to a Statutory Authority, there is a duty cast upon him 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 the 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 respondents 2 and 3 herein to consider the petitioner's Appeal dated 08.09.2014, on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order.

5.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 respondents to consider the same on its own merits.



W.P.No.9145 of 2022

M.S.RAMESH,J.

vga

6.With the above direction, the Writ Petition stands disposed of.

No costs.

07.06.2023

Index: Yes/No

Speaking order/Non-speaking order

vga

To

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