



W.P.No.8414 of 2015

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Writ Petition No.8414 of 2015

Saradha

W/o Srinivasan

D/o Late M.Muniyammal

... Petitioner

Vs.

1.The Government of Tamil Nadu
Rep.by its Secretary to Government
Higher Education Department
Fort St.George, Chennai – 600 009.

2.The Director of Collegiate Education
College Road, Chennai – 600 006.

3.The Management of Islamiah College
Rep.by its Secretary
Vaniyambadi – 635 752.
Vellore District.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 1 and 2 to pay pension arrears of monthly pension due to petitioner's mother



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Smt.M.Muniyammal from 01.05.1998 to 25.10.2008 and family pension to the petitioner from 26.10.2008 onwards together with interest 12 % per annum within a time frame.

For Petitioner : Mr.K.M.Ramesh

For Respondents : Mr.A.M.Ayyathurai, GA for RR 1&2
Mr.D.Abdullah for R3

ORDER

The petitioner's mother worked as a Sweeper in the 3rd respondent College from 10.12.1974 and attained the age of superannuation on 30.04.1998. Though the petitioner's mother was retired from service and even after repeated representations to the official respondents, she was not paid with pension. Subsequently, on 25.10.2008, petitioner's mother passed away. The petitioner, being the only legal representative of her mother, submitted representation to the respondents on 02.02.2015, along with supporting documents, to pay monthly pension due to her mother, which she ought to have been received during her lifetime and also family pension. However, the respondents have not chosen to respond to the petitioner's representation till today. Hence, the petitioner preferred the present Writ Petition, with a prayer to issue a Writ of Mandamus to



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the respondents 1 and 2.

2.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

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, the petitioner herein is directed to submit a fresh representation along with connected documents to the respondents within a period of two weeks from the date of receipt of a copy of this order. The



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respondents 1 and 2 are directed to pay arrears of pension, which her mother entitles, from 01.05.1998 to 25.10.2008 with an admissible rate of interest, by considering her representation, within a period of four weeks thereafter. It is made clear that the petitioner got married and she is not eligible for family pension.

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

06.02.2023

Index : Yes/No
Internet : Yes/No
Neutral citation: Yes/No
Speaking order/Non-speaking order
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To
1. The Secretary to Government
Government of Tamil Nadu
Rep. by its Secretary to Government
Higher Education Department
Fort St. George, Chennai – 600 009.
2. The Director of Collegiate Education
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J.NISHA BANU,J.

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