



W.P.No.13615 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.13615 of 2023

K. Mahalakshmi

... Petitioner

Vs.

- 1.The Secretary to Government,
Health and Family Welfare (A1) Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Director of Medical Education,
Kilpauk,
Chennai – 600 010.
- 3.The Director of Medical and Rural Health Service,
No.359, Anna Salai,
Chennai – 600 006.
- 4.The Principal Accountant General A&E Tamilnadu,
361, Anna Salai,
Chennai – 600 018.
- 5.The Joint Director of Health Services,
Cuddalore District – 607 001.
- 6.The Treasury Officer,
District Treasury,
Cuddalore – 607 001.

... Respondents



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PRAAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 5th respondent to submit the revised family pension proposal to the 4th respondent on the basis of the 6th and 7th commission entitlement including the arrears from 01.01.2007 the petitioner is entitled and after receiving such a proposal to direct the 4th respondent to sanction and pay the revised family pension to the petitioner through the 5th respondent within a time to be stipulated by this Court.

For Petitioner : Mr.V. Manisekaran

For Respondents : Mr.P. Sanjay Gandhi,
Government Advocate [R1 to R3, R5 & R6]

ORDER

Heard the learned counsel for the petitioner, as well as the learned Government Advocate appearing for the respondents 1 to 3, 5 & 6.

2. In view of the order to be passed by this Court, notice to the fourth respondent is hereby dispensed with.



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3. The petitioner herein had given a representation to the fifth respondent on 24.01.2023, requesting him to prepare and send the upward revising family pension proposal. Since the said representation was not considered, the present Writ Petition has been filed.

4. 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.

5. In the light of the above observations, there shall be a direction to the first respondent herein, to consider the petitioner's representation dated 24.01.2023 on its own merits and pass appropriate orders in



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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.

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

No costs.

01.06.2023

Index: Yes/No

Speaking order/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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