



W.P.No.18650 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18650 of 2023

M.Varalakshmi

...Petitioner

Vs

- 1.The Special Secretary,
Municipal Administration and
Water Supply Department,
Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai - 600 009.
- 2.The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.
- 3.The Assistant Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.
- 4.The Accounts Officer (Pension),
Greater Chennai Corporation,
Ripon Building, Chennai - 600 003.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd and 3rd respondents



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to pay the petitioner the arrears of family pension with accrued interest from 09.12.2008 to 19.11.2022 for all those 142 months by considering the petitioner's representations dated 12.01.2023.

For Petitioner : Mr.X.Selvam Sounder

For R1 : Mr.S.Prabhakaran,
Government Advocate

For R2 & R3 : Mr.S.Gopinathan

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondents 1 to 3. In view of the order to be passed in this Writ Petition, notice to the fourth respondent is dispensed with.

2. The petitioner herein had given representations to the second and third respondents on 10.01.2023 and 12.01.2023 respectively, seeking for payment of the arrears of family pension, together with accrued interest. The said representations have not been considered till date. Hence, the petitioner has approached this Court by way of this Writ Petition.



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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 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 the India and direct them to consider the representation within a stipulated time.

4. In the light of the above observations, there shall be a direction to the second and third respondents herein to consider the petitioner's representations dated 10.01.2023 and 12.01.2023, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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 made by the petitioner and that it is open to the respondents 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.

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Index: Yes/No

Speaking order/Non-speaking order
hvk

To

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Water Supply Department,
Government of Tamil Nadu,
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Chennai - 600 009.
2. The Commissioner,
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Ripon Building, Chennai - 600 003.
3. The Assistant Commissioner,
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4. The Accounts Officer (Pension),
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M.S.RAMESH,J.

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