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W.P.No.6110 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6110 of 2023

K.S.Guruprasath

...Petitioner

Vs

- 1.The Joint Director,
Public Health Department,
Bavaji Nagar, Thamarai Nagar,
Tiruvannamalai – 606 601.
- 2.The Deputy Director,
Public Health Department,
Cheyyar,
Thiruvannamalai District – 604 407.
- 3.The Block Medical Officer,
Government Primary Health Center,
Navalpakkam,
Cheyyar – 604 503.
- 4.The Direct Treasury Officer,
Thiruvannamalai District,
O/o.The Sub-Treasury Office,
Thiruvannamalai – 606 601.
- 5.K.Sekar

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to grant 'family pension scheme' of the deceased Tmt.Shyamala, Nurse, Navalpakkam, Govt. Primary Health Centre, Cheyyar, in favour of the petitioner based upon the representation dated 31.12.2021 within the stipulated time frame.

For Petitioner : Mr.T.Senthilkumaran

For R1 to R4 : M/s.Indhumathi
Government Advocate

ORDER

Heard Mr.T.Senthilkumaran, learned counsel appearing for the petitioner and Ms.Indhumathi, learned Government Advocate appearing for the respondents 1 to 4.

2.Since this Court is directing the first respondent to dispose of the representation after giving due opportunity to the 5th respondent, notice to the 5th respondent is dispensed with.

3.The petitioner herein had given a representation to the respondents on 30.12.2021 seeking for a direction to grant the family



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pension of his deceased mother. 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 30.12.2021, 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, after giving due opportunity to the petitioner, as well as the 5th respondent. It is made clear that this Court has not expressed any of its



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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.

6.With the above direction, the Writ Petition stands ordered. No costs.

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Index:Yes/No
Speaking order/Non-speaking order
hvk



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M.S.RAMESH,J.

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