



WEB COPY



W.P.No.29344 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.29344 of 2023

Tmt.N. Yesodha

... Petitioner

Vs.

1.Government of Tamil Nadu,
Rep. by its Principal Secretary,
Animal Husbandry, Dairying and
Fisheries (AHS) Department,
Secretariat, Chennai – 9.

2.The Deputy Director of Animal Husbandry,
District Livestock Farm,
Hosur – 635 110,
Krishnagiri District.

3.The Accountant General of Tamil Nadu,
Office of the Accountant General,
Anna Salai, Teynampet,
Chennai – 18.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to sanction family pension instead of Ex-Gratia payment from the date of sanction of Ex-Gratia payment to the petitioner.



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For Petitioner : Ms.T. Dharani
For R1 & R2 : Mr.P. Ganesan
Government Advocate

ORDER

Heard the learned counsel for the petitioner, as well as the learned Government Advocate appearing for the first and second respondents.

2. The petitioner herein has given a representation to the second respondent on 05.10.2022, requesting to send proposals to the third respondent for sanctioning the family pension instead of Ex-Gratia payment from the date of sanction of Ex-Gratia payment to the petitioner. Since the said representation has not been considered till date, the present Writ Petition has been filed.

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 them 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



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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, there shall be a direction to the respondents herein, to consider the petitioner's representation dated 05.10.2022, on their own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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.

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

No costs.

23.11.2023

Index:Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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To

- 1.The Principal Secretary to Government of Tamil Nadu,
Animal Husbandry, Dairying and
Fisheries (AHS) Department,
Secretariat, Chennai – 9.
- 2.The Deputy Director of Animal Husbandry,
District Livestock Farm,
Hosur – 635 110,
Krishnagiri District.
- 3.The Accountant General of Tamil Nadu,
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