



W.P.No.29725 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.29725 of 2023

S.Mythili

...Petitioner

Vs

1.State of Tamil Nadu,
Rep. by its Addl. Chief Secretary to Govt.,
Transport Department, Secretariat,
Chennai - 600 009.

2.M/s.Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Rep. by its Administrator,
No.2, Pallavan Salai, Chennai - 600 002.

3.M/s.Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Rep. by its Managing Director,
No.27, New Railway Station Road,
Kumbakonam - 612 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent herein to sanction Dearness Allowance on family pension to the petitioner herein



W.P.No.29725 of 2023

on account of death of her husband late T.Mannar Mannan, w.e.f. August 2000 and consequently direct the 2nd respondent to pay arrears of Dearness Allowance with 6% interest in the light of Rule 20A and Rule 21 of the Tamil Nadu State Transport Corporation Employees' Pension Fund Rules and in the light of orders of this Court in the similar case in W.P.(MD) No.20244 of 2016, dated 02.11.2016, W.P.(MD) No.25263 of 2018, dated 09.01.2019, W.P.(MD) No.1051 of 2019, dated 22.01.2019, W.P.(MD) No.8134 of 2017, dated 18.02.2019, W.P.No.33305 of 2014, dated 20.01.2021 and W.P.No.18915 of 2021, dated 08.09.2021 and by considering the representation of the petitioner dated 22.08.2023.

For Petitioner	: Mr.D.Soundar Raj
For R1	: Mr.P.Ganesan, Government Advocate
For R2	: Mr.C.S.K.Sathish, Standing Counsel
For R3	: Ms.S.Sathya Gandhi, Standing Counsel



W.P.No.29725 of 2023

WEB COPY

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner herein had given a representation to the respondents on 22.08.2023, seeking for grant of dearness allowance together with arrears from August, 2000. Since the said representation was not considered, 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 on 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 India and direct him to consider the same within a stipulated time.



W.P.No.29725 of 2023

WEB COPY

4. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 22.08.2023 pass appropriate orders in 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 made by the petitioner and that it is open to the concerned respondents to consider the same on its own merits.

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

No costs.

13.10.2023

Index:Yes/No

Speaking order/Non-speaking order

hvk



WEB COPY



W.P.No.29725 of 2023

M.S.RAMESH,J.

hvk

W.P.No.29725 of 2023

13.10.2023