



W.P.No.30160 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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A. Karupannan

...Petitioner

Vs

1.The Revenue Divisional Officer,
Collectorate of Namakkal,
Namakkal.

2.The Principal Accountant General (A&E),
Chennai-600 018.

3.The Treasury Officer,
Namakkal.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 06.10.2022 and to include the name of the petitioner's second wife M.Saroja, as the nominee of the petitioner, in the service records for grant family pension in the case of death of petitioner and forward the said proposal to the second respondent to make necessary entries in Pension Payment Order



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No.P26/12618950/3/PPO.2618950 dated 11.02.2015 issued by the second respondent.

For Petitioner : Mr.K.Shahul Hameed

For R1 : Mr.V.P.R.Elamparithi
Additional Government Pleader

ORDER

Heard Mr.K.Shahul Hameed, learned counsel for the petitioner and Mr.V.P.R.Elamparithi, learned Additional Government Pleader for the first respondent.

2. In view of the order to be passed in this writ petition, no prejudice would be caused to the respondents 2 and 3. Hence, notice to the respondents 2 and 3 is dispensed with.

3. The petitioner herein had given a representation to the first and second respondents on 06.10.2022 seeking to include the name of his second wife Mrs.M.Saroja, as the nominee of the petitioner, in the service records for granting family pension in case of death of the



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petitioner and also to forward the said proposal to the second respondent to make necessary entries in Pension Payment Order No. P26/12618950/3/PPO.2618950 dated 11.02.2015. 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 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 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 06.10.2022 on its own merits and pass appropriate orders in accordance with law, in view of the enquiry conducted by the first



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respondent dated 17.02.2023, within a period of two 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 respondent to consider the same on its own merits.

6. 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



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To

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- 2.The Principal Accountant General (A&E),
Chennai-600 018.
- 3.The Treasury Officer,
Namakkal.



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M.S.RAMESH,J.

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