



W.P.No.30364 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30364 of 2023

Mrs.R.Kavitha

...Petitioner

Vs

1.The Accountant General (A&E),
Tamil Nadu 361 Anna Salai,
Chennai – 600 018.

2.The District Superintendent of Police,
Office of Superintendent of Police,
Namakkal.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to release the death benefits i.e., Pension, Gratuity and General Provident Fund to the petitioner who is the wife of Late Rajendran within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Sheik Ismail

For Respondents : M/s.Hema Murali Krishnan,



W.P.No.30364 of 2023

Standing Counsel [R1]
Mrs.V.Yamuna Devi,
Special Government Pleader [R2]

ORDER

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

2. The petitioner herein has given representation to the first respondent on 07.07.2023, seeking to release the death benefits i.e., pension, gratuity and general provident fund of her deceased husband. Since the said representation was not considered, the present Writ Petition has been filed.

3. It is needless to point out that whenever representation of this nature is made to a Statutory Authority, there is a duty cast on 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 amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of



W.P.No.30364 of 2023

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

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4. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 07.07.2023 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 made by 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.

20.10.2023

Index:Yes/No

Speaking order/Non-speaking order

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W.P.No.30364 of 2023

M.S.RAMESH,J.

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To

- 1.The Accountant General (A&E),
Tamil Nadu 361 Anna Salai,
Chennai – 600 018.
- 2.The District Superintendent of Police,
Office of Superintendent of Police,
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W.P.No.30364 of 2023

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