



W.P.No.32049 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32049 of 2023

R. Sarala

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to the Government,
Environment and Forest Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Principal Chief Conservator of Forest,
Head of the Forest Department,
Velachery Road, Guindy, Chennai,
Tamil Nadu – 600 032.

3.The Divisional Forest Officer,
Social Forestry Division,
Vellore.

4.The Accountant General of Tamil Nadu,
Office of the Accountant General,
Chennai – 600 018.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to revise the pension payable to the petitioner at Rs.10210+4400/- per month instead of Rs.9850+1900/- based on the pay last drawn by the petitioner husband in the post of Forester and to authorise the revised pensionary benefits to petitioner, with effect from 31.01.2015 to till date and further to pay the difference in amount to the petitioner upto date with 12% interest for delayed authorisation of pensionary benefits.

For Petitioner : Ms.T. Dharani

For Respondents : Mr.M. Alagu Gowtham,
Government Advocate [R1 to R3]

ORDER

Heard the learned counsel for the petitioner, as well as the learned Government Advocate appearing for the respondents 1 to 3.

2. In view of the order to be passed in this Writ Petition, no prejudice would be caused to the fourth respondent and hence, notice to the fourth respondent is dispensed with.



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3. The petitioner herein has given a representation to the third and fourth respondents on 24.01.2022, seeking for revision of her husband's pension. Since the said representation has not been considered till date, 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 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 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 respondents herein, to consider the petitioner's representation



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dated 24.01.2022, 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.

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

No costs.

09.11.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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- 1.The Principal Secretary to the Government of Tamil Nadu,
Environment and Forest Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Principal Chief Conservator of Forest,
Head of the Forest Department,
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M.S.RAMESH,J.

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