



W.P.No.32755 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32755 of 2023

K.Saravanan

...Petitioner

Vs

1. The Accountant General (Accounts & Establishment)
No.361, Anna Salai, Chennai – 600 018

2. The Superintendent of Police
Salem District
Salem

3. The District Treasury Officer
Office of the District Collector
Collectorate Complex
Pin Code- 636 001
Salem District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to pass appropriate orders for disbursement of family pension to the petitioner on the basis of the proceedings communication bearing C.No.N1/E-2034659/2022 dated 15.02.2023 of the second respondent within a time to be stipulated by this Court.



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For Petitioner : Mr.M.Elumalai

For Respondents : Ms. Hema Muralikrishnan
Standing Counsel for R1
Mr.VPR.Elamparathi
Addl. Govt. Pleader for R2 & R3

ORDER

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

2. Heard Mr.M.Elumalai, learned counsel for the petitioner, Ms.Hema Muralikrishnan, learned Standing Counsel for the first respondent and Mr.VPR.Elamparathi, learned Additional Goveremnt Pleader for the second respondent.

3. The petitioner herein had given application on 02.08.2021 requesting for family pension. Since the said application was not considered by the respondents, 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



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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. However, the learned Standing Counsel for the first respondent submitted that pursuant to the letter seeking sanction of family pension, the respondents had sought for further documents from the petitioner. The learned counsel for the petitioner submitted that he is willing to furnish all the required documents to the respondents for the purpose of such a sanction.

6. In the light of the above observations, there shall be a direction to the petitioner to furnish the required documents as sought for by the respondents and the respondents are directed to consider the petitioner's application dated 02.08.2021, on its own merits and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not



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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.

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

No costs.

21.11.2023

Index:Yes/No

Speaking order/Non-speaking order

gpa

To

1.The Accountant General (Accounts & Establishment)

No.381, Anna Salai, Chennai – 600 018

2. The Superintendent of Police

Salem District

Salem

3. The District Treasury Officer

Office of the District Collector

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M.S.RAMESH,J.

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