



W.P.No.32602 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32602 of 2023

G. Nirmala

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
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 praying to issue a Writ of Mandamus, directing the 2nd respondent herein to sanction Dearness Allowance on Family Pension to the



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petitioner herein on account of death of her husband Late. A.Manivasagam and consequently direct the 2nd respondent to pay arrears of Dearness Allowance with 6% interest in the light of G.O.Ms.No.112, Finance (Pension) Department dated 24.03.2008 and 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 2.11.2016, 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 8.09.2021 and by considering the representation of the petitioner dated 30.10.2023 addressed to the 2nd respondent.

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



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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 second respondent on 30.10.2023, seeking for payment of Dearness Allowance from November 2023 and settle consequential arrears of Dearness Allowance from 2002. Since the said representation has not been considered till date, 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 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.



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4. In the light of the above observations, there shall be a direction to the second respondent herein, to consider the petitioner's representation dated 30.10.2023, on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months 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.

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

No costs.

20.11.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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To
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- 2.The Administrator,
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Employees' Pension Fund Trust,
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M.S.RAMESH,J.

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