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W.P.No.33076 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33076 of 2023

M.Manonmani

...Petitioner

Vs

1. The District Adi Dravidar and Tribal Welfare Officer
Ranipettai
Ranipettai District

2. The Principal Accountant General (A&E)
361, Anna Salai
Chennai – 600 018

3. The District Treasury Officer
Ranipettai, Ranipettai District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay interest at the rate of 12% per annum on the belated disbursement of Death cum Retirement Gratuity (DCRG) for 24 years from 01.08.1999 in respect of deceased husband.

For Petitioner : Mr.D.S.Ravikumar

For Respondents : Mr.M.Bindran
Additional Government Pleader



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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. Heard Mr.D.S.Ravikumar, learned counsel for the petitioner and Mr.M.Bindran, learned Additional Government Pleader appearing for the respondents.

3. The petitioner's husband was initially employed as Secondary Grade Teacher and thereafter promoted as B.T.Head Master, Middle School and at the time of his retirement, he was working as B.T.Warden. The petitioner's husband retired from service on 31.07.1999. Though pension and commuted value of pension was disbursed to the petitioner's husband, payment of Death-cum-Retirement Gratuity was withheld due to some clarification in the fixation of pay and stating that petitioner's husband is not entitled for DCRG under G.O.Ms.No.1178 dated 22.12.1993. Hence, the petitioner filed a writ petition in W.P.No.924 of 2023 and this Court passed an order on 11.01.2023 directing the



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respondents therein to consider the representation of the petitioner dated 09.12.2022 and only thereafter, the DCRG came to be paid in the year September 2023. In the mean time, the petitioner's husband died on 23.11.2005. Hence, the petitioner sent a representation on 26.09.2023 seeking interest for the belated payment of Death-cum-Retirement Gratuity. Since the said representation 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 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 respondents herein to consider the petitioner's representation dated 26.09.2023, 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



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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.

23.11.2023

Index:Yes/No

Speaking order/Non-speaking order
gpa

To

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M.S.RAMESH,J.

gpa

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