



W.P.No.33402 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33402 of 2023
and
W.M.P.No.33127 of 2023

T.Devi
W/o.Late Thirumurugan

...Petitioner

Vs

1. Tamil Nadu Highways Department
Rep. by its Director General
76, Sardar Patel Road
Guindy, Chennai-600 025.
2. The Superintending Engineer
Tamil Nadu Highways Department
Tirupur Division
No.41, Odakkadu
Tirupur - 641 687.
3. The Divisional Engineer
Tamil Nadu Highways Department
Tirupur Division
No.41, Odakkadu
Tirupur - 641 687.
4. Tmt.Bhuvaneshwari
W/o.D.Balamurugan

...Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to disburse the family pension and other eligible death and monetary benefits of her husband, who worked as a driver in the third respondent office and died on 27.01.2023 to the petitioner along with appropriate rate of interest based on my representation dated 14.07.2023 and proceedings in Memorandum No.168/2023/A3 within the period stipulated by this Hon'ble Court.

For Petitioner : Mr.Varunpandian .M
For Respondents : Ms.V.Yamunadevi
Special Government Pleader
for R1 to R3

ORDER

Ms.V.Yamunadevi, learned Special Government Pleader accepts notice for the respondents 1 to 3. Since the order is being passed directing the respondents 1 to 3 to afford an opportunity to the respondents 4 and 5 before taking any final decision, notice to the respondents 4 and 5 is dispensed with.

2. The petitioner herein has given a representation to the respondents on 14.07.2023, to disburse the family pension and other eligible death and monetary benefits of her husband, who had worked as



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a driver in the third respondent office and died on 27.01.2023, to the petitioner along with appropriate rate of interest. 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 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.

4. In the light of the above observations, there shall be a direction to the respondents 1 to 3 herein, to consider the petitioner's representation dated 14.07.2023, on its own merits and pass appropriate orders in accordance with law, after giving an opportunity of hearing to the respondents 4 and 5, within a period of three months from the date of



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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.

Consequently, connected miscellaneous petitions are closed. No costs.

29.11.2023

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation : Yes/No

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M.S.RAMESH,J.

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