



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.34214 of 2023

and

W.M.P.No.34101 of 2023

R.Batharammal @ Padma

... Petitioner

Vs.

- 1.The Commissioner,
Commissionerate of Revenue Administration and
Disaster Management,
Ezhilagam, Chennai.
- 2.The District Collector,
Office of the District Collector,
Coonoor,
The Nilgris.
- 3.The Sub Collector,
Office of the Sub Collector,
Coonoor.
- 4.Director of Pension,
Directorate of Pension,
No.571, Anna Salai,
Nandhanam,
Chennai – 600 035.



5.Revenue Divisional Officer,
Office of the Revenue Division,
Coonoor,
The Nilgris.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 4th respondent to give death benefits of B.Rangasamy, who was working as Record Assistant in the 5th respondent's Office and died on 28.07.2017 and consequently, direct the 4th respondent to provide the family pension to the petitioner.

For Petitioner : Mr.P.Saravanan

For Respondents : Mr.M.Bindran
Additional Government Pleader

ORDER

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

2. The prayer sought for in this Writ Petition is for a direction to the 4th respondent to give death benefits of Late.Mr.B.Rangasamy, who was working as Record Assistant in the 5th respondent's Office and died on 28.07.2017 and consequently, direct the 4th respondent to provide the family pension to the petitioner. In this regard, the petitioner had given representations to the



respondents on 20.02.2019, 17.06.2019 and 01.11.2023. Since the said representations were not considered, the petitioner has preferred the present Writ Petition.

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 the 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 herein to consider the petitioner's representations dated 20.02.2019, 17.06.2019 and 01.11.2023, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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.

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5. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

08.12.2023

Jeni
Index : Yes / No
Neutral Citation : Yes / No
Speaking order / Non-speaking order

To

- 1.The Commissioner,
Commissionerate of Revenue Administration and
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- 2.The District Collector,
Office of the District Collector,
Coonoor,
The Nilgris.
- 3.The Sub Collector,
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4. The Director of Pension,
Directorate of Pension,
No.571, Anna Salai,
Nandhanam,
Chennai – 600 035.

5. The Revenue Divisional Officer,
Office of the Revenue Division,
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M.S.RAMESH, J.

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