



WEB COPY



W.P.No.35024 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.35024 of 2023

S.Valarmathi

... Petitioner

Vs.

1.The Additional Chief Secretary,
Transport Department,
Fort St.George,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Salai,
Salem – 636 007.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Trust,
Thiruvallur House, Pallavan Salai,
Chennai – 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to sanction Dearness Allowance to the petitioner on the family pension received her on account of death of her husband Late.P.Murugan w.e.f



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December, 2017 to till date and consequently direct the respondents to sanction of Dearness Allowance to her and to pay the arrears of Dearness Allowance on the family pension received direct the 1st respondent to sanction and pay pension to her with 6 percent interest in the light of Rule 20A and 21 of the Tamil Nadu State Transport Corporation Employees Pension Fund Rules and in the light of the orders passed by this Court in similar cases in W.P.(MD) 20244 of 2016 dated 02.11.2016 W.P(MD) 1051 of 2019 dated 22.01.2019 and W.P.No. 33305 of 2014 order dated 20.01.2021 within the stipulated time.

For Petitioner : Mr.N.Desinghu

For R-1 : Mr.P.Ganesan, Government Advocate

For R2 : Mr.K.Raja, Standing counsel

For R3 : Mr.C.S.K.Sathish, Standing counsel

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 a representation to the 1st respondent on 08.07.2023, seeking Dearness Allowance. Since the said representation has not been considered till date, the present Writ Petition has been filed.



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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 first respondent herein, to consider the petitioner's representation dated 08.07.2023, on its own merits and pass appropriate orders in accordance with law, within a period of eight (08) 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.

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Index:Yes/No

Speaking order/Non-speaking order
gd



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M.S.RAMESH,J.

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