



WEB COPY



W.P.No.25882 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.25882 of 2018

Shanthi

... Petitioner

Vs.

1.The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration and Water Supply
Department,
Secretariat,
Chennai – 600 009.

2.The Commissioner,
Municipal Administration,
Ezhilagam Extension,
Chepauk,
Chennai – 600 005.

3.The Commissioner,
Mettur Municipality,
Mettur Dam – 1.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the third respondent to consider and take action on the petitioner's representation dated 19.06.2018 as per G.O.No.478 Finance Pension Department dated



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04.06.1987 to disburse the terminal benefits of her husband namely Mr.Ravichandran.

For Petitioner : M/s.A. Ilaya Perumal

For Respondents : Mr.T.M. Rajangam,
Government Advocate [R1 & R2]
Mr.V. Jayaprakash Narayanan [R3]

ORDER

The petitioner herein had given representation dated 19.06.2018 for disbursement of terminal benefits of her husband as per G.O.No.478 Finance (Pension) Department dated 04.06.1987. Since the said representation was not considered, the present Writ Petition has been filed.

2. It is needless to point out that whenever representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents 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



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226 of Constitution of India and direct them to consider the same within a stipulated time.

3. Since the representation given by the petitioner dates back to the year 2018, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents herein, to consider the same.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the first respondent herein, ventilating her grievances. On receipt of the same, the first respondent shall consider it in the light of G.O.No.478 Finance (Pension) Department dated 04.06.1987 and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of the representation. 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.

M.S.RAMESH,J.



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

No costs.

12.01.2023

Speaking/Non-speaking Order

Index:Yes/No

Neutral Citation:Yes/No

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To

- 1.The Secretary to Government,
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Secretariat,
Chennai – 600 009.
- 2.The Commissioner,
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