



W.P.(MD).No.16956 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16956 of 2023

P.Aarayee

... Petitioner

Vs.

1.The Chief Internal Audit Officer,
Board Office Audit Branch,
Tamil Nadu Electricity Board,
N.P.K.R.R Maaligai-I Floor,
800, Anna Salai,
Chennai-600 002.

2.The Superintendent of Electricity Engineer,
Pudukottai Electricity Distribution Circle,
TANGEDCO,
Pudukottai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation, dated 15.12.2022 to issue family pension to the petitioner herein in the capacity of the wife of deceased.

For Petitioner : Mr.PT.S.Narendravasan

For Respondents : M/s.M.Parameswari



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ORDER

The present writ petition has been filed seeking direction to the second respondent to consider the petitioner's representation, dated 15.12.2022 to issue family pension to the petitioner herein in the capacity of the wife of deceased.

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

3. The petitioner's husband is one Palaniappan. He married one Sikappi and since she had no issues, the said Palaniappan married the petitioner secondly. The petitioner and her husband has got three daughters and one son. Palaniappan's first wife, namely, Sikappi died on 17.09.2006 due to ill health. The petitioner's husband worked as Line Inspector in the second respondent office and he attained superannuation on 31.08.2003. After the retirement, pension was sanctioned to the petitioner's husband and till the lifetime of the petitioner's husband, he received monthly pension. After his death, the said Palaniappan was survived by the petitioner, three daughters and her son. On obtaining the death certificate and legal heir certificate of the said Palaniappan,



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the petitioner had sent a proposal to the first respondent on 26.09.2022 seeking family pension in the capacity of wife of the deceased Palaniappan with all the relevant records.

4. However, the first respondent had sent a reply on 31.10.2022, stating that her proposal has been returned and further directed the petitioner to approach the second respondent. Thereafter, again the first respondent had sent a letter on 25.11.2022 to the petitioner stating that as per records, the petitioner is not entitled to receive any family pension as the wife of the deceased Palaniappan and directed the petitioner to approach the second respondent. Having, received the said letter, the petitioner made a representation to the second respondent on 15.12.2022 with all documents and records. However, the said representation was not considered. Hence, the present writ petition came to be filed.

5. 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 the respondent 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-



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consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. It is made clear that without going into the merits of this case, the respondents are directed to consider the representation of the petitioner, dated 15.12.2022 in terms of the relevant rules, regulations and applicable laws within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs.

14.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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- To
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L.VICTORIA GOWRI, J.

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