



W.P.(MD).No.22952 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.09.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.22952 of 2022

Malarvizhi

... Petitioner

Vs.

1.The Accountant General of Tamil Nadu,
Office of the Accountant General,
361, Anna Salai,
Teynampet,
Chennai – 600 0018.

2.The District Educational Officer,
Madurai,
Tallakulam – 625 002,
Madurai District.

3.The Secretary,
Sethupathi Higher Secondary School,
Madurai – 625 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to sanction and disburse family pension to the petitioner by considering the petitioner's final representation, dated 24.08.2022 within a reasonable time fixed by this Court.



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For Petitioner : Mr.E.V.N.Siva
For R – 1 : Mr.P.Gunasekaran
For R – 2 : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to sanction and disburse family pension to the petitioner by considering the petitioner's final representation, dated 24.08.2022 within a reasonable time fixed by this Court.

2.Heard Mr.E.V.N.Siva, learned counsel appearing for the petitioner, Mr.P.Gunasekaran, learned counsel appearing for the first respondent and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the second respondent and perused the materials available on record.

3.The petitioner's father V.A.Subramanian was receiving pension under P.P.O and he died on 31.03.2021 and the petitioner's mother died on 17.07.2013. The petitioner is a deaf and dumb person



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by birth with 100% physical disability and she is solely depending on her father. During his lifetime, the petitioner's father arranged her marriage with her maternal uncle Kalaimani on 27.06.1988. The said Kalaimani deserted the petitioner along with her two minor children and married another woman. The petitioner was living with her father for the past 10 years till his death and after his death, the petitioner is living with her two minor children. The petitioner submitted proposals on 09.08.2021 and 12.08.2021 to the third respondent seeking sanction of family pension to her. The said proposals were forwarded through the second respondent to the first respondent. The first respondent vide proceedings, dated 22.11.2021 returned the proposal raising certain queries and seeking certain documents. The proposal was resubmitted to the third respondent with necessary explanation along with required documents on 09.03.2022 and the same was forwarded to the second respondent vide proceedings dated 07.05.2022. The second respondent, instead of forwarding the proposal to the first respondent, returned the same to the third respondent vide proceedings, dated 25.07.2022. Hence, the petitioner made an elaborate representation on 24.08.2022 seeking family pension. The same was not considered. Hence, the Writ Petition came to be filed.



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4.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-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.

5.Considering the facts and circumstances of the case, this Court, without expressing any opinion with regard to the merits of the claim made in the Writ Petition, directs the second respondent to consider the representation of the petitioner, dated 24.08.2022 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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6.With the above direction, this Writ Petition is disposed of.

There shall be no order as to costs.

07.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

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L.VICTORIA GOWRI, J.

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