



W.P.(MD).No.21960 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.21960 of 2023

Kathirkamasundari

... Petitioner

Vs.

The Secretary to Government,
Veterinary Service and Animal Husbandry,
Chennai-9.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to pay the Death cum Retirement Gratuity amount Rs.2,36,634/- to the petitioner pursuant to the representation, dated 09.08.2023 within the time frame fixed by this Court.

For Petitioner : Mr.S.Pon Senthil Kumaran

For Respondents : Mr.M.Prakash
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondent to pay the Death cum Retirement Gratuity amount Rs.2,36,634/- to



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the petitioner pursuant to the representation, dated 09.08.2023 within the time frame fixed by this Court.

2. The petitioner's deceased husband, namely Velusamy had filed a writ petition in W.P(MD)No.2772 of 2011 before this Court seeking to quash the punishment of “cut of Rs.100/- per month in the pension”, dated 11.04.2011 for a period of 2 years and recovery of sum of Rs.2,36,634/- from the petitioner husband's Death cum Retirement Gratuity. In the said case, this Court was pleased to allow the said writ petition partly on 10.09.2020 setting aside the order of punishment and directed the amount of Rs.2,36,634/- deducted from Death cum Retirement Gratuity to be refunded back to the petitioner. However, the said exercise has not been done and hence, the petitioner sent a representation, dated 09.08.2023 to the respondents to comply the order passed by this Court in W.P(MD)No.2772 of 2011. Since the same was not considered, this writ petition came to be filed.

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 the respondent to consider the same on its own merits and pass appropriate orders in one way or



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other instead of keeping the same pending indefinitely. As such, non-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.

4. However, the learned Additional Government Pleader submitted that the same would be disbursed once funds are allotted by the Government.

5. Recording the same, this Court directs the respondents to consider the representation of the petitioner, dated 09.08.2023 and pay the amount which was deducted from Death cum Retirement Gratuity of the petitioner's husband back to the petitioner. The said exercise shall be completed within a period of sixteen (16) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands disposed of. No costs.

11.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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L.VICTORIA GOWRI, J.

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To

The Secretary to Government,
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Chennai-9.

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