



W.P.(MD).No.22251 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22251 of 2023

and

W.M.P(MD)No.18521 of 2023

Kandhimathi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Finance (Pension) Department,
Secretariat,
Fort St. George,
Chennai-600 009.

2.The Administrator,
Tamil Nadu State Transport Corporation,
Employee Pension Fund,
Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
No.27, New Railway Station Road,
Kumbakonam-612 001,
Thanjavur District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents more particularly the third respondent to consider the petitioner's representation, dated 17.07.2023 and subsequently take all legal steps for the disbursement of pensionary benefit and death benefits by the first respondent by sending relevant document with regard to the petitioner's husband continues service forthwith.

For Petitioner	: Mr.K.Prabakaran
For R-1	: Mr.D.S.Neduncheliyan Government Advocate
For R-2	: Mr.S.C.Herold Singh Standing Counsel
For R-3	: Mr.K.Jegadeesh Balan Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents more particularly the third respondent to consider the petitioner's representation, dated 17.07.2023 and subsequently take all legal steps for the disbursement of pensionary benefit and death benefits by the first respondent by sending relevant document with regard to the petitioner's husband continues service forthwith.



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

3. The petitioner is the wife of one deceased R.Ragupaathy, who worked as a Senior Conductor at Nagapattinam Dipo, Kumbakonam Branch of the respondent Corporation. Vide order, dated 03.07.2012, passed by the third respondent, the petitioner's husband was terminated from the service of the respondent Corporation. Subsequently, the said termination order was not confirmed and the same was dismissed vide A.P.No.417 of 2012 by the order of the Special Deputy Commissioner of Labour. Aggrieved by the order of rejection by the Special Deputy Commissioner of Labour, dated 21.10.2016, the said matter was taken up by the respondents before this Court in W.P.No.25175 of 2017 and the case is still pending. However, interim order is granted by this Court in the said writ petition. Unfortunately in the meanwhile, the petitioner's husband died on 23.10.2018.

4. G.O(Ms)No.151 of the Personnel and Administrative Reforms (N) Department, dated 31.10.2018 has mandated that incase of departmental disciplinary proceedings, immediately on the receipt of the death certificate, the



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disciplinary authority concerned shall take immediate action for issuing abatement of disciplinary proceedings and for the settlement of terminal benefits to the legal heirs of the deceased. The petitioner has duly submitted the death certificate of her husband to the respondent Corporation. The date of superannuation of her husband was on 31.03.2015 and he passed away on 23.10.2018. Despite the petitioner submitting the death certificate and other necessary documents for the purpose of receiving the terminal benefits of her husband, no action has been taken by the respondent so far. Hence, the petitioner running pillar after pillar of the respondent Corporation, after knocking the doors of various authorities, left with no remedy made a representation on 17.07.2023 to the third respondent for the disbursement of all the terminal benefits payable to the petitioner's husband. The said representation was also not considered and the same is kept in abeyance. Hence, this 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. Considering the peculiar facts and circumstances of this case, giving effect to the mandates of G.O(Ms)No.151, Clause 5(i) and (ii) of the Personnel and Administrative Reforms (N) Department, dated 31.10.2018, this Court direct the third respondent to immediately consider the representation made by the petitioner on 17.07.2023 and pass orders, within a period of two (2) weeks from the date of receipt of a copy of this order and thereafter disburse the eligible terminal benefits to whatever the petitioner's husband is entitled to within a period of four (4) weeks from the date of receipt of a copy of this order.

7. This writ petition stands allowed, accordingly. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

13.09.2023



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

To

1. The Secretary to Government,
The State of Tamil Nadu,
Finance (Pension) Department,
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Fort St. George,
Chennai-600 009.
2. The Administrator,
Tamil Nadu State Transport Corporation,
Employee Pension Fund,
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L.VICTORIA GOWRI, J.

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