



**W.P.(MD).No.22268 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.22268 of 2023**

**P.Sujithra**

**... Petitioner**

**Vs.**

**Authorised Signatory  
Pension Department,  
United India Insurance Company Limited,  
Registered and Head Office,  
No.24, Whites Road,  
Chennai-600 014.**

**... 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 release the pension amount in the petitioner name and also pay arrears of pension to the petitioner on the basis of the petitioner's representation, dated 11.04.2023.

**For Petitioner : Mr.B.Jameelarasu**

**For Respondent : Mr.I.Robert Chandrakumar  
Standing Counsel**



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## **ORDER**

The present writ petition has been filed seeking direction to the respondent to release the pension amount in the petitioner name and also pay arrears of pension to the petitioner on the basis of the petitioner's representation, dated 11.04.2023.

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 father, namely, N.Pitchai Rathinam was working as a Senior Assistant in the Branch Office of United India Insurance Company at Perambalur Branch and his mother Amutha died on 23.12.2018. The petitioner's father had taken Medi-claim policy in the name of the petitioner during his lifetime from the respondent. The petitioner's father was having certain ailments and at the verge of his retirement, he had filled various forms pertaining to the payment of his terminal benefits by indicating the petitioner's name as nominee. On 16.03.2020, while the petitioner's father was in service, he had sent the pension proposal for payment of his pension. In the said application at annexure 25, the petitioner has been nominated as his nominee in



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the form of nomination. Similarly in the case of settlement of Provident Fund dues under Column No.7 and Gratuity under column No.11 the petitioner's father had nominated the petitioner as nominee.

4. Thereafter, on 31.03.2020, the petitioner's father on attaining the age of superannuation retired from service and all his retirement benefits were duly received by him. He was also receiving monthly pension of Rs.30,000/-. While so, on 12.01.2021, he passed away and he was survived by the sole legal heir (i.e.,) the petitioner. On 12.01.2022, the respondent had sent a letter to the petitioner seeking to furnish the details of the existing family members along with necessary marital status. On receipt of the same, the petitioner had sent a reply, detailing that the petitioner is the sole legal heir of her father enclosing the death certificate and legal heir certificate of her father N.Pitchai Rathinam. Already a period of one year has passed since the date of death of the petitioner's father but the respondent has not changed the name in the pension book and has not released the monthly family pension in favour of the petitioner. Hence, the petitioner has made a representation on 11.04.2023 and the same was not considered. Hence, the present writ petition came to be filed.



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

6. In view of the facts and circumstances of this case, without going into the merits of the case, this Court hereby direct the respondent to pass orders considering the representation of the petitioner, dated 11.04.2023, acknowledging the legal heir certificate given in favour of the petitioner and also the fact that the petitioner's father has already nominated the petitioner as his nominee in the various forms submitted to the respondent, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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7. This writ petition stands allowed, accordingly. There shall be no order as to costs.

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

To

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Pension Department,  
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**L.VICTORIA GOWRI, J.**

BTR

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