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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22227 of 2023

P.Jessi Suguna Bhai ... Petitioner

Vs.

1.The Director of Agriculture,
Office of the Director of Agriculture,
Cheppakkam, Chennai.

2.The Joint Director of Agriculture,
Thiruvarur,
Thiruvarur District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to release the petitioner's husband service benefits including family pension, Gratuity and all other benefits within some fixed time frame.

For Petitioner : Mr.N.Sundaresan

For Respondents : Mr.N.Muthuvijayan
Special Government Pleader

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ORDER

The present writ petition has been filed seeking direction to the 1st respondent to release the petitioner's husband service benefits including family pension, Gratuity and all other benefits within some fixed time frame.

2. The petitioner's husband Late.Muralibabu was employed with Agricultural Department for the past 33 years and died on 19.07.2022. The petitioner is the legally wedded wife of the said Muralibabu and he is survived by the petitioner and his 2 children. Though the petitioner's husband was suspended while in service, later on, it was revoked and he was posted lastly at Thiruvarur District and his service was also regularized during the period of suspension as early as in October 2022 vide G.O.(2D).No.180, dated 20.10.2022. However, his service benefits are not yet released till now. All necessary formalities which has to be done on the part of the petitioner for receiving the terminal benefits has been complied with duly by the petitioner. Even after the same, the terminal benefits of the deceased husband of the petitioner are not released by the respondents so far. As a result of which, the petitioner made a representation on 01.08.2023 seeking the terminal benefits of

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her deceased husband. However, the same was not considered. Hence, this writ petition came to be filed.

3. The learned Special Government Pleader on instructions, submitted that the petitioner's husband was subjected to disciplinary proceedings and he was also placed under suspension and as a result of which, the Department would need an additional period of 6 months for releasing the terminal benefits of the petitioner's husband. However, considering the fact that already quotas has been given by the respondent department with respect to the matter of the suspension of the petitioner's husband by issuance of G.O.(2D).No.180, dated 20.10.2022, such an argument could not be sustained.

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 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.

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5. This Court hereby directs the 1st respondent to consider the representation made by the petitioner on 01.08.2023 and pass appropriate orders and take necessary steps to release the deceased husband of the petitioner's service benefits including the family pension and other benefits within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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

22.09.2023

NCC : No
Index : No
Internet : No
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To

1.The Director of Agriculture,
Office of the Director of Agriculture,
Cheppakkam, Chennai.

2.The Joint Director of Agriculture,
Thiruvarur,
Thiruvarur District.

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L.VICTORIA GOWRI, J.

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