



W.P.(MD).No.2841 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2841 of 2024

Elisapeth Rani

... Petitioner

Vs

1.The Director,
Directorate of Local Fund Audit,
Municipal Pension Payment Payment Wing,
4th Floor, Integrated Office Complex For Finance Department,
Nandhanam.

2.The Commissioner,
Thanjavur Corporation,
Thanjavur.

... 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 sanction the family pension of the petitioner's deceased father namely Irudhayasamy to her mentally retarded / mentally disability sister Stella Mary and permit him to receive the same from the respondents in the light of Rule 49(6) (iii) (iii) of the Tamil Nadu Pension Rules 1978 based on No-Objection Certificate issued by other legal heirs of her deceased father as well as her representation, dated 15.05.2023 within the time limit stipulated by this Court.



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For Petitioner : Mr. S.P.Naveenkumar

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the respondents to sanction the family pension of the petitioner's deceased father namely Irudhayasamy to her mentally retarded / mentally disability sister Stella Mary and permit her to receive the same from the respondents in the light of Rule 49(6) (iii) (iii) of the Tamil Nadu Pension Rules 1978 based on No-Objection Certificate issued by other legal heirs of her deceased father as well as her representation, dated 15.05.2023 within the time limit stipulated by this Court.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

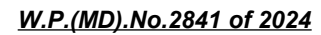


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3.Heard, the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents. Perused the materials on record.

4.(i).The petitioner's father namely Irudhayam @ Krudhayasamy was a retired employee (Salai Paniyalar) of the 2nd respondent Corporation and he was receiving his monthly pension from the respondents. On 11.06.2021 he passed away. He was survived by his son (brother) and three daughters (petitioner and two sisters). Her sister namely Stella Mary is a mentally retarded person with 80% of mental disability, as per the certificate issued by the District Differently Abled Welfare Officer, Thanjavur. Hence, the petitioner gave a representation on 19.08.2021 to the respondents requesting to pay the family pension of her deceased father to the petitioner, since she is supporting and maintaining her elder sister Stella Mary. The said representation was considered by the second respondent and the same was forwarded to the first respondent on 07.09.2021. Thereafter, the first respondent vide proceedings, dated 27.01.2022 directed the second respondent to submit some more documents in this regard and the same were also forwarded by the second respondent. However, so far final order has not been



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.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the first respondent to consider the representation of the petitioner, dated 15.05.2023 and pass appropriate order in accordance with law, within a period of eight (8) weeks, from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

09.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

1. The Director,
Directorate of Local Fund Audit,
Municipal Pension Payment Payment Wing,
4th Floor, Integrated Office Complex For Finance Department,
Nandhanam.

2. The Commissioner,
Thanjavur Corporation,
Thanjavur.



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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