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**W.P.(MD).No.3532 of 2024**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.02.2024

CORAM:

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.3532 of 2024**

1.S.Esakkiammal @ Santhi

2.S.Nambirajan

....Petitioners

Vs

1.The Principal Accountant General,  
Office of the Principal Accountant General (A&E),  
Chennai.

2.The Deputy Director / Wildlife Warden,  
Project Tiger,  
Ambasamudram-627 401,  
Tirunelveli.

3.The Sub Treasury Officer,  
Sub Treasury Office,  
Palayamkottai,  
Tirunelveli District.

...Respondents

**Prayer:** This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to disburse the 2/3<sup>rd</sup> share of Rs.1,47,491/- (one lakh forty seven thousand four hundred ninety one rupees) commuted value of pension amount, on the basis of 1<sup>st</sup> respondent letter wide C.No.E1/8635/2000, dated 14.10.2011, with 12% interest per annum, from the date of retirement of the petitioner's husband



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Mr.Sivasankaran, within a time frame by this Court.

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For Petitioners : Mr.A.R.Jeya Rhuthran  
For R1 :Mr.P.Gunasekaran  
Government Advocate  
For R2 & R3 : Mr.S.Shaji Bino  
Special Government Pleader

**ORDER**

The present writ petition has been filed seeking direction to the 2<sup>nd</sup> respondent to disburse the 2/3<sup>rd</sup> share of Rs.1,47,491/-(one lakh forty seven thousand four hundred & ninety one rupees) commuted value of pension amount, on the basis of 1<sup>st</sup> respondent letter vide C.No.E1/8635/2000, dated 14.10.2011, with 12% interest per annum, from the date of retirement of the petitioner's husband Mr.Sivasankaran, within a time frame by this Court.

2.The petitioner's husband late.Sivasankaran served as a Forest Ranger Mundanthurai Range,Tirunelveli District and retired from service on 31.10.2001 and subsequently, he passed away on 22.01.2010. He was survived by the petitioner, her sons Nambirajan/2<sup>nd</sup> petitioner and Kumar. The petitioner's second son is in USA.In the meanwhile, the petitioner received a letter, dated 01.07.2011 from the 1<sup>st</sup> respondent office, who has directed the 3<sup>rd</sup> respondent vide letter,dated 01.07.2011 to disburse 1/3<sup>rd</sup> of



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Rs.1,47,491/- to each of the petitioner's which is the commuted value of pension in respect of late.Sivasankaran who died before the receipt of the said amount. The same is duly acknowledged by the 2<sup>nd</sup> respondent. Hence, the petitioner made a representations on 14.12.2023 and 04.01.2024 to the respondents. However, the amount of commuted value of pension is not yet paid. In view of the same, 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 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. Without going into the merits of the case, this Court hereby directs the 2<sup>nd</sup> respondent to consider the representations of the petitioner, dated 14.12.2023 and 04.01.2024 and pass appropriate orders in the matter of disbursing the commuted value of pension amount to the petitioners. The said exercise shall be completed within a period of twelve (12) weeks from the



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date of receipt of copy of this order.

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5. With the above said observations, this Writ Petition stands disposed of. No costs.

**19.02.2024.**

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

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To

- 1.The Principal Accountant General,  
Office of the Principal Accountant General (A&E),  
Chennai.
- 2.The Deputy Director / Wildlife Warden,  
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**L.VICTORIA GOWRI, J.**

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