



W.P.(MD).No.6431 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.6431 of 2024

G.Mallika

...Petitioner

Vs.

1. The Principal Accountant General

A & E Tamilnadu,
No.361, Anna Salai,
Chennai-600 018.

2. The Joint Director of Health Services,
O/o. The Joint Director of Health Services,
Tenkasi District-627 811.

3. The Medical Officer,
Government Hospital,
Kadayanallur,
Tenkasi District-627 751.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd respondent to forward the Family Pension Proposal submitted by the petitioner on 20.08.2023 without any further delay and in case it is being received by the the 1st



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respondent on receipt of this to grant the Family Pension to the petitioner within the time to be fixed by this Court.

For Petitioner	: M/s. A.Dharani
For R-1	: Mr.P.Gunasekaran, Standing Counsel
For R-2 & R-3	: Mr.S.Shaji Bino Special Government Pleader

ORDER

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

2. The present writ petition has been filed seeking direction to the 2nd respondent to forward the Family Pension Proposal submitted by the petitioner on 20.08.2023 without any further delay and in case it is being received by the the 1st respondent on receipt of this to grant the Family Pension to the petitioner.



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3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner's husband named Thiru.N.S.Govindan worked as Selection Grade Assistant under the control of the 3rd respondent. On attaining the age of superannuation, he retired on 31.07.1988 and he was receiving pension till his death, that is, on 01.09.2017. He was survived by the petitioner and two sons. The petitioner is entitled for family pension in terms of G.O.Ms.No.284 Finance (Pension) Department. Hence, she made an application on 20.08.2023 to the 3rd respondent and the 3rd respondent has to forward the proposal to the 2nd respondent and the 2nd respondent in turn forwarded the same to the 1st respondent who has to sanction the same. However, the same is not sanctioned. Hence, this writ petition came to be filed.

4. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

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



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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.

6. Without going into the merits of this case that this Court hereby direct the 3rd respondent to forward the proposal submitted by the petitioner to the 2nd respondent forthwith. On receipt of the same, 2nd respondent is directed to forward the same to the 1st respondent and pass appropriate orders in accordance with law within a period of four (4) weeks from therefrom.

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

18.03.2024

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



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To

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L.VICTORIA GOWRI, J.

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