



WP.(MD).No.7431 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.7431 of 2024

B.Suga Solai Raja

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Collectorate,
Pudukkottai.

2.The Block Development Officer,
Aranthangi-Village Panchayat,
Block Development Office,
Aranthangi,
Pudukkottai District.

3.The District Treasury Officer,
Pudukkottai District,
Pudukkotai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay the due financial obligations, arrears and other pension benefits available to Government employees on their death in service on account of the death of the petitioner's late father G.Balasubramani, to the petitioner and direct the 2nd respondent to provide details of payment of due amounts payable to the petitioner



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from January 2016 till date and to direct the 3rd respondent to pay the same along with the arrears on the basis of the proceedings of the 1st respondent bearing Na.Ka.Pa.7/1229/2023 (Development) dated 24.01.2023.

For Petitioner : Mr.V.Kannan
For 1st Respondent : Mr.S.Shaji Bino
Special Government Pleader
For Respondents 2 & 3 : Mr.J.John Rajadurai
Government Advocate

ORDER

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

2.This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the respondents to pay the due financial obligations, arrears and other pension benefits available to Government employees on their death in service on account of the death of the petitioner's late father G.Balasubramani, to the petitioner and direct the 2nd respondent to provide details of payment of due amounts payable to the petitioner from January 2016 till date and to direct the 3rd respondent to pay the same along with the arrears on the basis of the proceedings of the 1st respondent bearing Na.Ka.Pa.7/1229/2023 (Development) dated 24.01.2023.



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

The petitioner's father G.Balasubramani was working as a Block Development Officer in Aranthangi Panchayat Union Office, Pudukkottai District. While in service, he passed away on 04.01.2016. The petitioner was a minor at the time of his father's death and his mother has pre deceased his father on 02.07.2014. The petitioner's father terminal benefits has not been so far disbursed to the petitioner and hence, the petitioner made a representation on 19.12.2022 to the Special Cell for the Hon'ble Chief Minister of Tamil Nadu. Based on which, instructions were sent to the first respondent seeking the stage of application for pension and other benefits due to the petitioner's father. The first respondent office responded by stating that his request for approval and disbursement of benefits due to his late father has been accepted by the first respondent vide proceedings dated 24.01.2023. But the same has not been disbursed so far. Since the petitioner's representation is not considered and appropriate orders has not been passed, this Writ Petition came to be filed.



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4. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the first respondent, the learned Government Advocate appearing for the respondents 2 and 3 and carefully perused the entire 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 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. In view of the same, without going into merits of the case, this Court hereby direct the first respondent to consider the petitioner's representation dated 19.12.2022 and pass appropriate order in accordance with law within a period of eight weeks from



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the date of receipt of copy of this order.

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7. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

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

To

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2. The Block Development Officer,
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L.VICTORIA GOWRI, J.

Mrn

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