



W.P.(MD)No.10024 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.10024 of 2024

M.Muthulakshmi

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
No.31, Kamarajar Salai,
Chepauk,
Chennai -05.

2.The Chief Engineer,
Tamil Nadu Water Supply and Drainage Board,
No.1/1, Sambakulam,
Opposite to Mattuthavani Bus Stand,
Melur Road,
Madurai-07.

3.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Maintenance Division,
No.25, Chidambaram Nagar 2nd Street,
Tuticorin.

...Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to disburse the terminal benefits and pension arrears of the petitioner's husband along with appropriate interest on such delayed payment of terminal benefits within the stipulated time to be fixed by this Court.

For Petitioner : Mr.P.Vijaynivas

For Respondents : Mr.B.Vijay Karthikeyan
Standing Counsel

ORDER

The petitioner has filed this writ petition seeking direction to the respondents to disburse the terminal benefits and pension arrears of her husband along with appropriate interest on such delayed payment of terminal benefits.

2. Heard Mr.P.Vijaynivas, learned counsel for the petitioner and Mr.B.Vijay Karthikeyan, learned Standing counsel for the respondents.



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3. By consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner's husband, who was working as Fitter Grade-1 in the third respondent TWAD Board, died on 25.06.2023, while he was in service. But the death cum terminal benefits of the deceased have not been settled to the petitioner/his wife. Hence, the petitioner has given a representation to the respondents as early as 05.03.2024 and 22.03.2024 respectively. Since the said representations have not been considered, the present writ petition has been filed.

5. Since the breadwinner of the family died during service, it is needless to state about the financial crunch that would surround her family. The respondents ought to have considered the petitioner's representation with all seriousness and passed orders to disburse the terminal benefits along with arrears of pension payable to the petitioner.



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6. Be that as it may, 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 them to consider the same on their 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. The failure on the part of the Authority had prompted the petitioner to file this petition seeking relief through issuance of writ of mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

7. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 22.03.2024 on their own merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not



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gone into the merits of the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

8. With the above direction, this Writ Petition is disposed of.

No costs.

24.04.2024

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

akv

To

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R.N.MANJULA,J.



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