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W.P.(MD)No.18440 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

CORAM

**THE HONOURABLE MS JUSTICE R.N.MANJULA**

W.P.(MD)No.18440 of 2024

C.Kalaimani

... Petitioner

Vs.

- 1.The State of Tamil Nadu,  
Rep. by the Secretary to Government,  
Transport Department, Chennai-9.
- 2.The Managing Director,  
Tamil Nadu State Transport Corporation,  
Kumbakonam Limited, Kumbakonam.
- 3.The General Manager,  
Tamil nadu Transport Corporation,  
Kumbakonam Division, Kumbakonam.
- 4.The Branch Manager,  
Tamil Nadu State Transport Corporation,  
Kumbakonam Division, Kumbakonam.

... Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to consider the representation of the petitioner dated 13.07.2024 consequently direct the respondents to give the terminal benefits of the demised husband who dies on 11.04.2021 along with accrued interest.

|                |                                                     |
|----------------|-----------------------------------------------------|
| For Petitioner | : Mr.K.Muthu Ganesa Pandian                         |
| For R1         | : Mr.S.Shanmugavel<br>Additional Government Pleader |
| For R2 to R4   | : Mr.K.Jagadees Balan<br>Standing Counsel           |



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## **ORDER**

Heard Mr.K.Muthu Ganesa Pandian, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader for the first respondent and Mr.K.Jagadees Balan, learned Standing Counsel for the respondents 2 to 4.

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

3.The petitioner's husband was working as a Technical Assistant under the respondent Corporation. He was issued with a charge memo dated 05.05.2001 for his unauthorized absence. On completing the enquiry, the husband of the petitioner was dismissed from service. Challenging the same, the petitioner's husband had preferred an appeal before the second respondent. During the pendency of this appeal, the petitioner died. Hence, the petitioner made a representation dated 13.07.2024 seeking to disburse the terminal benefits of her husband. Since the same was not considered so far, the petitioner has filed this writ petition.

4.It is needless to point out that whenever a representation of this nature is made to a Government Authority, there is a duty cast upon the



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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. The failure on the part of the authority had prompted the petitioner to file this petition for 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.

5.In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 13.07.2024 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not 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.

6.With the above direction, the Writ Petition stands disposed of.

No costs.

**02.08.2024**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
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<https://www.mhc.tn.gov.in/judis>



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To

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- 1.The Secretary to Government,  
Transport Department, Chennai-9.
- 2.The Managing Director,  
Tamil Nadu State Transport Corporation,  
Kumbakonam Limited, Kumbakonam.
- 3.The General Manager,  
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**R.N.MANJULA, J.**

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