



W.P.(MD).No.24 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.24 of 2024

P.Sivagami

... Petitioner

Vs.

1.The District Collector,
Office of District Collectorate,
Kumarasamy Nagar, Virudhunagar-626 002.

2.The Revenue Divisional Officer,
Sivakasi Division,
Sub Collector's Office Building,
Satchiyapuram, Sivakasi-626 124.

3.The Accountant General (A&E),
Office of the Principal Accountant General,
No.361, Anna Salai, Teynampet,
Chennai-600 018.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to pay the family pension along with the entire arrears of family pension from 01.10.2006 and other benefits to the petitioner along with interest thereon at the rate of 24% per annum, based on the petitioner's application, dated 22.08.2023 and his representation, dated 11.11.2023, within any reasonable time.



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For Petitioner : Mr.B.Baskar
For R1 & R2 : Mr.S.Shaji Bino
Special Government Pleader
For R3 : Mr.P.Gunasekaran
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the respondents herein to pay the family pension along with the entire arrears of family pension from 01.10.2006 and other benefits to the petitioner along with interest thereon at the rate of 24% per annum, based on the petitioner's application, dated 22.08.2023 and his representation, dated 11.11.2023, within any reasonable time.

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 Village Assistant at Kunnur Village from 18.01.1984 which presently comes under Watrap Taluk. He was regularized on pay schale from 01.06.1995 and he retired on 31.03.2005. He



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had passed away on 30.09.2006. The petitioner unfortunately could not trace out the pension payment order of her husband in their house at Kunnur Village. She gave numerous representations to provide the family pension and the same was not considered by the competent authorities. The petitioner made an application on 22.08.2023 to the respondents for taking appropriate action to provide her the family pension along with arrears from 01.10.2006. For which, the petitioner received a letter, dated 01.09.2023 from the 1st respondent stating that her application, dated 22.08.2023 was forwarded to the 2nd respondent for appropriate action. However, so far the 2nd respondent has not considered the same. Hence, this writ petition came to be filed.

4. 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.



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5. Without going into the merits of the case, this Court hereby direct the respondents to consider the representation of the petitioner, dated 11.11.2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

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

03.01.2024

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

- 1.The District Collector,
Office of District Collectorate,
Kumarasamy Nagar, Virudhunagar-626 002.
- 2.The Revenue Divisional Officer,
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Sub Collector's Office Building,
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L.VICTORIA GOWRI, J.

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