



W.P.(MD)No.18462 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.18462 of 2025

R.Kasthuri

... Petitioner

-VS-

1.The Secretary,
Tamil Nadu State Transport Corporation,
St. George Fort,
Chennai.

2.The General Manager,
Tamil Nadu State Transport Corporation Kumbakonam Ltd.,
Karaikudi Zone,
Karaikudi,
Sivagangai District.

3.The Assistant Manager,
Tamil Nadu State Transport Corporation Provident Funds
Kumbakonam Ltd.,
Karaikudi Zone,
Karaikudi,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant the family pension to the petitioner for the death of her husband Late.N.Raman under service No.



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79CR3059 as per the Decree and Judgment in O.S.No.53/2019, on the file of the Family Court, Madurai, dated 09.04.2025, by considering the petitioner's representation dated 21.04.2025.

For Petitioner : Mr.A.Haja Mohideen

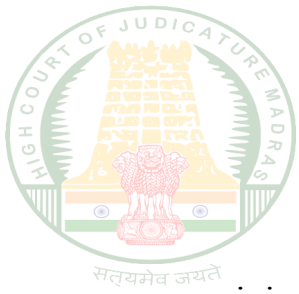
For Respondents : Mr.K.Ramaiah
Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the respondents to settle the interest at the rate of 6% per annum to the petitioner for the belated payment of Gratuity, Provident Fund and Commuted Value of Pension from the date of retirement to the date of actual payment.

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

3. According to the petitioner, her husband namely, Raman, S/o.Narayanasamy, was a Special Grade Conductor with the respondent Corporation under Service No.79CR3059 at the Madurai Branch and was

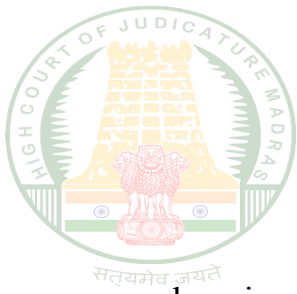


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receiving pension upon retirement. Following his death on 28.10.2009, the petitioner and her three children remained as his legal heirs. Since her legal status as the deceased employee's wife was disputed, she filed a civil suit in O.S.No. 53/2019 before the Family Court, Madurai, seeking a declaration of her status and sanction of family pension. After more than five years of litigation, the suit was decreed in her favour on 09.04.2025, wherein the Family Court categorically held that she is the legally wedded wife of the deceased employee and directed the respondents to sanction family pension to her. Pursuant to the said decree, the petitioner submitted a representation dated 21.04.2025, enclosing a copy of the judgment, requesting the respondents to implement the same and grant her family pension. Despite receipt of the representation, the respondents have not taken any action till date, forcing the petitioner to approach this Court by way of the present writ petition, seeking enforcement of the judgment and grant of family pension.

4. Heard both sides.

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 him to consider the same on its own merits and pass appropriate orders in one way or other, instead of



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keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's representation dated 21.04.2025, on its own merits and pass appropriate orders in accordance with law, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second respondent to consider the same on its own merits.

7. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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