

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.7924 of 2011

K.Murugaiyan

...Petitioner

vs.

1.The Government of Tamil Nadu,
rep.by its Secretary to Government,
School Education Department,
Chennai 600 009.

2.The Director of Elementary Education,
Chennai 600 006.

3.The District Elementary Education Officer,
Nagapattinam.

4.The Assistant Elementary Educational Officer,
Kuthalam, Nagapattinam District.

5.The Accountant General (A & E),
Tamil Nadu, Chennai 600 018.

.. Respondents

Prayer.: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the first respondent to consider and dispose of the representation dated 15.12.2010 of the petitioner regarding counting of service under non pensionable establishment for pension purpose.

For Petitioner : Mr.R.Thamarai Selvan

For R1 to R4 : Mr.A.Raja Perumal
Addl.Government Pleader.

For R5 : Ms.Hema Muralikrishnan
Senior Standing Counsel

O R D E R

This writ petition has been filed to issue a writ of Mandamus directing the first respondent to consider and dispose of the representation dated 15.12.2010 of the petitioner regarding counting of service under non pensionable establishment for pension purpose.

2. Heard the learned counsel appearing for the petitioner; learned Additional Government Pleader appearing for the respondents 1 to 4 and the learned Standing Counsel appearing for the 5th respondent.

3. The learned counsel for the petitioner submits that the petitioner has given a representation dated 15.12.2010 to the first respondent and the same was not considered by the first respondent so far. Even though the counter affidavit has been filed denying the eligibility of the petitioner for counting of service under non-pensionable establishment, till date, no order has been passed by the first respondents.

4. In view of the limited prayer sought for in the writ petition and by considering the decisions relied on by the petitioner, this Court, without expressing any opinion on the merits of the representation, directs the third respondent now, the Chief Educational Officer, Nagapattinam, is a competent authority to consider the petitioners' representation dated 15.12.2010 and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of. No costs.

kkd

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
School Education Department,
Chennai 600 009.

2.The Director of Elementary Education,
Chennai 600 006.

3.The District Elementary Education Officer,
Nagapattinam.

4.The Assistant Elementary Educational Officer,
Kuthalam, Nagapattinam District.

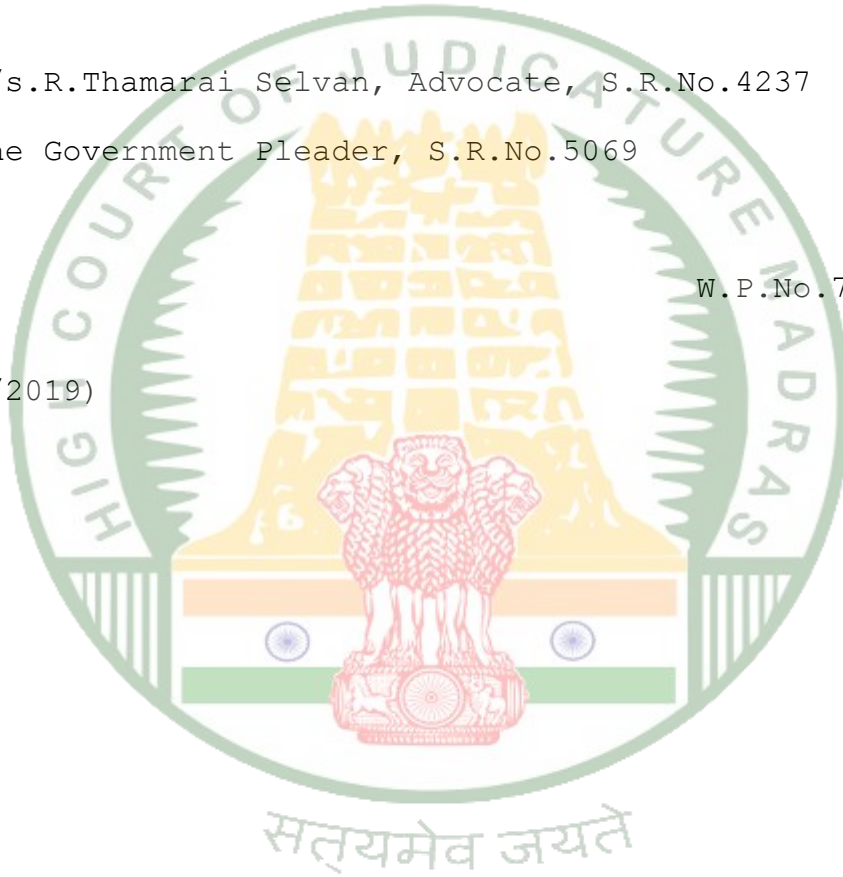
5.The Accountant General (A & E),
Tamil Nadu, Chennai 600 018.

+1cc to M/s.R.Thamarai Selvan, Advocate, S.R.No.4237

+1cc to the Government Pleader, S.R.No.5069

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kak(27/02/2019)



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