



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.02.2020**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P.(MD) No.2542 of 2020

M.Premadevi

... Petitioner

/vs./

- 1.The District Educational Officer,
Theni District,
Theni.
- 2.The Assistant Educational Officer,
Chinnamanur, Theni District.
- 3.The Correspondent,
Petchiyammal Memorial Middle School,
Sankarapuram, Bodinayakkanur Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents i.e., the District Educational Officer, Udhamapalayam, Theni District the Assistant Educational Officer, Chinnamanur, Theni District and the Correspondent, Petchiyammal Memorial Middle School, Sankarapuram, Theni District to take effective action for sanction of regular pension under old pension scheme to the petitioner unmindful of the cut-off date 01.04.2003 within a specified time frame.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.A.Thiagarajan
Government Advocate (for R1 & R2)

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Since no adverse order is going to pass, notice to the third respondent is dispensed with.

2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents to take effective action for

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sanction of regular pension under old pension scheme to the petitioner unmindful of the cut-off date 01.04.2003, in my view, such a decision is to be taken by the first respondent and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

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3. The petitioner would submit that she has already made representation on 17.10.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the 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. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

5. In view of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 17.10.2019, on its own merits and pass appropriate orders within a period of six (6) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in her representation and it is for the first respondent to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To:

1.The District Educational Officer,
Theni District,
Theni.



2.The Assistant Educational Officer,
Chinnamanur, Theni District.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-5478[F] dated 10/02/2020)

+1 CC to M/s.SPL GP (SR-5618[F] dated 11/02/2020)

Order made in
W.P. (MD) No.2542 of 2020
10.02.2020

JMN (18.02.2020) 3P : 5C