



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.02.2020**

CORAM:

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

W.P.(MD) No.3536 of 2020

R.Thirumalaisamy

... Petitioner

/vs./

1.The Accountant General (A&E)
No.361, Anna Salai,
Chennai 18.

2.The Director of School Education,
College Road, Chennai-6.

3.The District Educational Officer,
Government Higher Secondary School,
Batlagundu, Dindigul District.

4.The Block Educational Officer,
1st Ward School,
Batlagundu, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to authorize the revision of pension based on the proposal sent by the fourth respondent in ROC No.303/A1/2019 dated 21.06.2019 in the light of G.O.Ms.No.140, Finance Pay Cell Department dated 24.04.2018 by considering the petitioner's representation dated 21.08.2019 within the period that may be stipulated by this Court.

For Petitioner : Mr.K.Ponnaiah
for M/s.Ajmal Associates

For Respondents : Mr.P.Gunasekaran (for R1)

Mr.M.Karuppasamy
Government Advocate (for R2 to R4)

ORDER

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

<https://hcservices.ecourts.gov.in/hcservices/>



2. Though the petitioner has sought for issuance of writ of mandamus to direct the first respondent to authorize the revision of pension based on the proposal sent by the fourth respondent in ROC No.303/A1/2019 dated 21.06.2019 in the light of G.O.Ms.No.140, Finance Pay Cell Department dated 24.04.2018, in my view, such a decision is to be taken by the respondents 1 and 2 and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioner would submit that he has already made representation on 21.08.2019 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 respondents 1 and 2 herein to consider the petitioner's representation, dated 21.08.2019, on its own merits and pass appropriate orders within a period of eight (8) 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 his representation and it is for the respondents 1 and 2 to consider it in accordance with law.

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

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk



To:

1.The Accountant General (A&E)
No.361, Anna Salai,
Chennai 18.

2.The Director of School Education,
College Road, Chennai-6.

3.The District Educational Officer,
Government Higher Secondary School,
Batlagundu, Dindigul District.

4.The Block Educational Officer,
1st Ward School,
Batlagundu, Dindigul District.

+1 CC to M/s.SPL.GP (SR-7551[F] dated 21/02/2020)

+1 CC to M/s.AJMAL ASSOCIATES, (SR-7593[F] dated 21/02/2020)

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-7563[F] dated 21/02/2020)

Order made in
W.P.(MD)No.3536 of 2020
21.02.2020

JMN(04.03.2020) 3P : 8C