



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.01.2020**

CORAM:

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

W.P. (MD)No.20769 of 2018

Venkatesan

... Petitioner

/vs./

1.The State of Tamil Nadu,
Through its Secretary,
Department of School Education,
Fort St.George,
Chennai - 9.

2.The Joint Director of School Education, (Vocational),
College Road, Chennai - 6.

3.The Chief Education Officer,
Virudhunagar District, Virudhunagar.

4.The District Educational Officer,
Srivilliputhur, Virudhunagar District.

5.The Secretary,
G.S.Hindu Higher Secondary School,
Srivilliputhur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner ie., from 23.09.1998 to 08.02.2007 for the pension benefits based upon petitioner's representation dated 03.09.2018.

For Petitioner	: Mr.K.K.Kannan
For R-1 to R-4	: Mr.M.Karuppasamy Government Advocate
For R-5	: No appearance

ORDER

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

2. Though the petitioner has sought for issuance of writ of mandamus to the respondents to take the 50% of the part time service rendered by the petitioner ie., from 23.09.1998 to 08.02.2007 for the pension benefits based upon petitioner's representation dated 03.09.2018, in my view, such a decision is to be taken by the respondents 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 03.09.2018 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 herein to consider the petitioner's representation, dated 03.09.2018, in the light of the orders passed by this Court in W.P.No.14365 of 2014 & batch and W.P.(MD) No.22785 of 2019 & batch, 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 to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar (CS)

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TO

1.The Secretary, State of Tamil Nadu,
Department of School Education,
Fort St.George,
Chennai - 9.

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



2.The Joint Director of School Education, (Vocational),
College Road, Chennai - 6.

3.The Chief Education Officer,
Virudhunagar District, Virudhunagar.

4.The District Educational Officer,
Srivilliputhur, Virudhunagar District.

+1 CC to SPL.GP (SR-1345[F] dated 10/01/2020)

+1 CC to MR.K.K.KANNAN, Advocate (SR-1223[F] dated 09/01/2020)

Order made in
W.P.(MD)No.20769 of 2018

Dated:
09.01.2020

_KM/(03.02.2020) 3P 7C