



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.01.2020**

CORAM:

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

W.P.(MD)No.25841 of 2019

K.Kannan

... Petitioner

/vs./

1.The Director,
State Council for Educational Research and
Training (SCERT), DPI Campus,
College Road, Chennai-6.

2.The Principal,
District Institute of Education and Training
(DIET), Palayampatti,
Aruppukkottai, Virudhunagar District.

3.The Secretary,
N.R.Dass Teacher Training Institute,
Sengamalanatchiyarpuram,
Virudhunagar 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 pass suitable orders on the pension proposal dated 12.03.2019 submitted by the third respondent and consequentially to direct the second respondent to take follow up action regarding payment of pension and other retirement benefits to the petitioner by considering the petitioner's representation dated 10.06.2019 and 15.11.2019 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For R-1 and R-2 : Mr.M.Jeyakumar
Additional Government Pleader.

ORDER

Though the petitioner has sought for issuance of writ of mandamus to direct the first respondent to pass suitable orders on the pension proposal dated 12.03.2019 submitted by the third respondent and consequentially to direct the second respondent to take follow up action regarding payment of pension and other



retirement benefits to the petitioner, 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.

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2.The petitioner would submit that he has already made representations on 10.06.2019 and 15.11.2019 in this regard, which are said to be pending. If the said representations are directed to be disposed of within stipulated time, the ends of justice could be secured.

3.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.

4.In view of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representations, dated 10.06.2019 and 15.11.2019, on its own merits and pass appropriate orders within a period of four (4) 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 representations and it is for the first respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (crl side)

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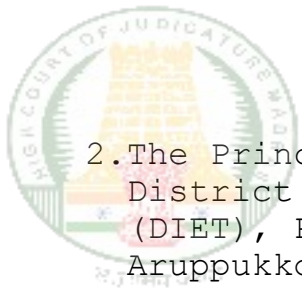
Sub Assistant Registrar(CS)

sjj

To

1.The Director,
State Council for Educational Research and
Training (SCERT), DPI Campus,
College Road, Chennai-6.

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



2.The Principal,
District Institute of Education and Training
(DIET), Palayampatti,
Aruppukkottai, Virudhunagar District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-1034[F] dated
09/01/2020)

+1 CC to SPL.GP (SR-947[F] dated 09/01/2020)

Order made in
W.P. (MD) No.25841 of 2019
08.01.2020

VB(23.01.2020) 3P 5C