



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.6187 of 2021

WEB COPY

A.John Kabistron

...Petitioner

Vs.

1.The Director of Elementary Education,
College Road, Chennai - 600 006.

2.The Chief Educational Officer,
Trichy District at Trichy.

3.The District Educational Officer,
Manaparai, Trichy District.

4.The Block Educational Officer,
Marungapuri Union,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Director of Elementary Education to consider and pass orders on the representation submitted by the petitioner on 06.01.2021, requesting to place the petitioner under the Old Pension Scheme based on the initial date of appointment of the petitioner as Secondary Grade teacher on 19.09.2000 in Punitha Kitheri High School, Koothenkuly, Tirunelveli District and his relieving from the school on 12.11.2004 and subsequent joining of the petitioner in the Government Primary School, Karkudy, Shencottai Union, Tirunelveli District, without break in service on 16.11.2004 (13.11.2004 to 15.11.2004 are Government Holidays i.e., 13.11.2004 was Saturday, 14.11.2004 was Sunday and 15.11.2004 was Ramzan), on par with the similarly placed persons.

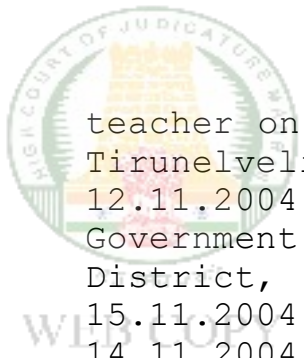
For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.P.Mahendran
Additional Government Pleader

O R D E R

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

2.Since the petitioner's request to the respondents to place the petitioner under the Old Pension Scheme based on the date of appointment of the petitioner as Secondary Grade



teacher on 19.09.2000 in Punitha Kitheri High School, Koothenkuly, Tirunelveli District and his relieving from the school on 12.11.2004 and subsequent joining of the petitioner in the Government Primary School, Karkudy, Shencottai Union, Tirunelveli District, without break in service on 16.11.2004 (13.11.2004 to 15.11.2004 are Government Holidays i.e., 13.11.2004 was Saturday, 14.11.2004 was Sunday and 15.11.2004 was Ramzan), on par with the similarly placed persons, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 06.01.2021, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representation dated 06.01.2021, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the first respondent to consider the petitioner's representation dated 06.01.2021, on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Director of Elementary Education,
College Road, Chennai - 600 006.

2.The Chief Educational Officer,
Trichy District at Trichy.

3.The District Educational Officer,
Manaparai, Trichy District.

4.The Block Educational Officer,
Marungapuri Union,
Trichy District.

+1 CC to M/s.S.XAVIER RAJINI, Advocate (SR-12362[F] dated 19/03/2021)

+1 CC to M/s.SPL GP (SR-12738[F] dated 22/03/2021)

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SGS (CO)

TR(24.04.2021) 3P 7C