



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

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W.P.(MD) No.6284 of 2021

D.Jeevan

...Petitioner

Vs.

1.The Accountant General (A&E),
361, Anna Salai,
Thenampet,
Chennai.

2.The Chief Educational Officer,
Madurai, Madurai District.

3.The Additional Chief Educational Officer,
Sarva Shiksha Abhiyan,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to sanction the revised pension benefits as per the proposal resubmitted by the 2nd respondent dated 21.03.2017, with all consequential benefits by considering the petitioner representation, dated 05.10.2018.

For Petitioner : Mr.V.Panneer Selvam

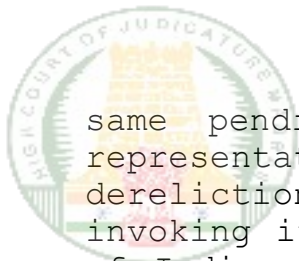
For Respondents : Mr.P.Gunasekaran for R1
Mr.N.Shanmuga Selvam for R2 & R3
Additional Government Pleader

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 sanction the revised pension benefits as per the proposal resubmitted by the 2nd respondent dated 21.03.2017, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 05.10.2018, 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.

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4. In the light of the above observations, it would be appropriate to direct the respondents herein to consider the petitioner's representation dated 05.10.2018, 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 respondents to consider the petitioner's representation dated 05.10.2018, on its own merits and pass appropriate orders in accordance with law, within a period of three weeks 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 (CSII)

// 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 Accountant General (A&E),
361, Anna Salai,
Thenampet,
Chennai.
2. The Chief Educational Officer,
Madurai, Madurai District.
3. The Additional Chief Educational Officer,
Sarva Shiksha Abhiyan,
Madurai District.

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



+1 CC to M/s.SPL GP (SR-12710[F] dated 22/03/2021)

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-13106[F] dated 23/03/2021)

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19.03.2021

SMV (CO)
KB (16.04.2021) 3P 6C