



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.7482 of 2021

V.Michael Raj

... Petitioner

Vs

- 1.The Principal Secretary to the Government,
Department of School Education,
Fort St.George, Chennai 9.
- 2.The Director of Elementary Education,
O/o.The Director of Elementary Education,
DPI Campus, College Road,
Chennai-6.
- 3.The Joint Director of Elementary Education,
O/o.The Joint Director of Elementary Education,
DPI Campus, College Road,
Chennai -6.
- 4.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Tenkasi, Tenkasi District.
- 5.The Principal Accountant General (A&E),
O/o.The Principal Accountant General (A&E),
361, Anna Salai, Chennai 600 018.
- 6.The District Educational Officer,
O/o.The District Educational Officer,
Tenkasi, Tenkasi District.
- 7.The Block Educational Officer,
Melaneelithanallur Block,
Tenkasi District.
- 8.The Correspondent,
R.C.School,
Chidambarapuram, kuruvikulam,
Sankarankovil, Tenkasi District.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to include 50% of the service rendered by the petitioner in the post of part time Pre-Vocational Instructor (Agriculture) in consolidated pay from 01.06.1970 to 31.05.1984 along with regular service for the purpose of calculation of qualifying service for pension and refix the pension of the petitioner with all other consequential benefits in the light of the para 45(iii) of the Full Bench judgement of this Court in Government of Tamil Nadu Vs., R.Kaliyamoorthy reported in (2019) 6 CTC 705 within the time stipulated by this Court.

For Petitioner : Mr.Lajapathi Roy
For Respondents : Mr.N.Shanmugaselvan
Additional Government Pleader
(for R1 to R4, R6 & R7)
Ms.S.Mahalakshmi (for R5)

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 include 50% of the service rendered by him in the post of part time Pre-Vocational Instructor (Agriculture) in consolidated pay from 01.06.1970 to 31.05.1984 along with regular service for the purpose of calculation of qualifying service for pension and refix the pension with all other consequential benefits was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 20.03.2021, 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 respondents herein to consider the petitioner's representation dated 20.03.2021, 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 respondents to consider the petitioner's representation dated 20.03.2021, 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 (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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

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



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+1 CC to M/s.T.LAJAPATHI ROY,Advocate(SR-15382[F] dated 07/04/2021)

+1 CC to SPL GP (SR-15496[F] dated 08/04/2021)

W.P. (MD) No.7482 of 2021

01.04.2021

RRS (10.05.2021) 4P 11C