



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.19847 of 2020

WEB COPY

P.Rose Dawny

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai - 9.

2.The Director of School Education,
D.P.I.Campus, College Road, Chennai.

3.The Accountant General (Accounts and Entitlements)
Accountant General Department,
Chennai - 600 018.

4.The Chief Educational Officer,
Nagercoil, Nagercoil,
Kanniyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to take 50% of service rendered by the petitioner as part time vocational instructors drawing consolidated pay between 02.07.1979 to 31.03.1990 along with regular service from 01.04.1990 for calculating the qualifying service, for the purpose of pension and the quantum of pension under Rule 43(2) of the Tamil Nadu Pension Rules and to sanction pension and other pensionary benefits and also to pay arrears by considering petitioner's representation dated 10.11.2020, within the time limit fixed by this Court.

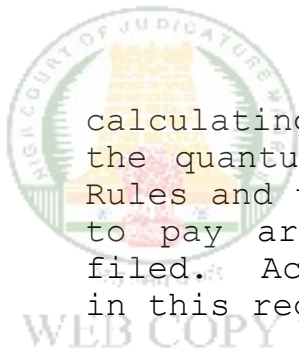
For Petitioner : Mr.S.Manikandan

For Respondents : Mr.A.Thiyagaranan for RR1, 2 and 4
Government Advocate
Mr.P.Gunasekaran for R3

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 take 50% of service rendered by the petitioner as part time vocational instructors drawing consolidated pay between 02.07.1979 to 31.03.1990 along with regular service from 01.04.1990 for



calculating the qualifying service, for the purpose of pension and the quantum of pension under Rule 43(2) of the Tamil Nadu Pension Rules and to sanction pension and other pensionary benefits and also to pay arrears, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 10.11.2020, 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 10.11.2020, 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 10.11.2020, 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 (CS-I)

// 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.

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



To

1.The Secretary to Government, State of Tamil Nadu,
School Education Department, Secretariat, Chennai - 9.

2.The Director of School Education, D.P.I.Campus, College Road,
Chennai.

3.The Accountant General (Accounts and Entitlements)
Accountant General Department, Chennai - 600 018.

4.The Chief Educational Officer, Nagercoil, Nagercoil,
Kanniyakumari District.

+1 CC to Mr.R.RAVAVEMDRAN, Advocate (SR-3117[F] dated 03/02/2021)

+1 CC to GP (SR-3066[F] dated 03/02/2021)

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