



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2022

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.926 of 2019

S.Dhanraj Mathuram

... Petitioner

Vs.

1.The Principal Secretary to Government of Tamil Nadu,
Department of School Education,
Secretariat, Chennai.

2.The Director,
Department of School Education,
Chennai.

3.The Chief Educational Officer,
Trichy.

4.The District Education Officer,
Trichy District.

5.The Principal Accountant General,
Chennai - 600 018.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to take into account the service rendered by the petitioner as B.T.Assistant in Government High Schools from 19.11.1971 to 25.07.1984 for pensionary benefits and direct the respondent to re-fix the pension and also grant arrears of pension to the petitioner with 12 % interest per annum.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.V.Om Prakash for R1 to R4

Government Advocate

Mr.P.Gunasekaran for R5

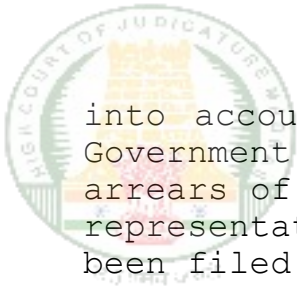
Standing Counsel

O R D E R

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

2. The petitioner herein had given a representation to the respondents on 22.05.2018 seeking for refixation of pension by take

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



into account the past service rendered by him as B.T.Assistant in Government High Schools from 19.11.1971 to 25.07.1984 and payment of arrears of pension along with 12% interest per annum. Since the said representation was not considered, the present writ petition has been filed.

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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, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 22.05.2018, on its own merits and pass appropriate orders in accordance with law, within a period of three **(3)** months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views 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. The petitioner is also called upon to submit the copy of the representation to the first respondent.

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

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The Principal Secretary to Government of Tamil Nadu,
Department of School Education,
Secretariat, Chennai.

2.The Director,
Department of School Education,
Chennai.



3.The Chief Educational Officer,
Trichy.

4.The District Education Officer,
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W.P. (MD) No.926 of 2019
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