



W.P.(MD) No.13691 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.13691 of 2022

T.Venkatraman

... Petitioner

Vs.

- 1.The Commissioner of School Education,
DPI Campus, Chennai – 6.
- 2.The Joint Director of School Education (Vocational)
DPI Campus, Chennai – 6.
- 3.The Principal Accountant General,
Office of the Accountant General (A&E),
Teynampet, Chennai – 18.
- 4.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Tenkasi District.
- 5.The District Educational Officer,
O/o. The District Educational Officer,
Tenkasi, Tenkasi District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondent No.1 to re-fix the pension of the petitioner by granting 5400 GP in accordance with Government Order

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WEB COPY in G.O. Ms. No.306 Finance (CMPC) Department dated 12.09.2018, with all consequential benefits within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.V.Nirmal Kumar
Government Advocate

ORDER

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 03.03.2022 seeking to re-fix the pension of the petitioner by granting 5400 GP in accordance with Government Order in G.O. Ms. No.306 Finance (CMPC) Department dated 12.09.2018, with all consequential benefits. Since the said representation was not considered, the present writ petition has been filed.

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.



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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 third respondent herein to consider the petitioner's representation dated 03.03.2022 on its own merits and pass appropriate orders in accordance with law, within a period of twelve **(12)** weeks 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.

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

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Index : Yes / No
Speaking Order/ Non Speaking Order
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M.S.RAMESH,J.

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