



W.P.(MD) No.13753 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.13753 of 2022

R.Murugesan

... 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,
Nadukuppam,
Villupuram District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents herein to take 50 percent of service rendered by the petitioner as part time vocational instructors drawing consolidated pay between 11.11.1981 to 26.03.1991 along with

1/5



W.P.(MD) No.13753 of 2022

WEB COPY

regular service from 27.03.1991 for calculating the qualifying service for the purpose of pension and the quantum of pension under Rule 42(2) of the Tamilnadu Pension Rules and to sanction pension and other pensionary benefits and also to pay arrears, by considering petitioner's representation dated 03.01.2022 within the time limit fixed by this Court.

For Petitioner : Mr.S.Meena

For Respondents : Mr.S.Shaji Bino for R1, R2, R4
Special Government Pleader

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 03.01.2022 seeking to take 50 percent of service rendered by the petitioner as part time vocational instructors drawing consolidated pay between 11.11.1981 to 26.03.1991 along with regular service from 27.03.1991 for calculating the qualifying service for the purpose of pension and the quantum of pension under Rule 42(2) of the Tamilnadu Pension Rules and to sanction pension and other pensionary benefits and also to pay arrears. Since the said representation



W.P.(MD) No.13753 of 2022

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. 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 respondents 1 to 3 herein to consider the petitioner's representation dated 03.01.2022 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.



W.P.(MD) No.13753 of 2022

WEB COPY

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

30.06.2022

Index : Yes / No
Speaking Order/ Non Speaking Order
TM

To

- 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,
Nadukuppam,
Villupuram District.



WEB COPY



W.P.(MD) No.13753 of 2022

M.S.RAMESH,J.

TM

W.P.(MD) No.13753 of 2022

30.06.2022