



W.P.(MD).No.13925 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.13925 of 2022

K.Jayalakshmi

... Petitioner

Vs.

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

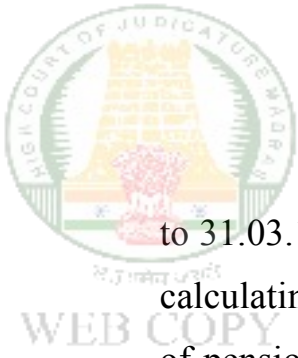
2.The Director of School Education,
D.P.I. Campus,
College Road,
Chennai.

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

4.The Chief Educational Officer,
Karur,
Karur District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to take 50 % of service rendered by the husband of the writ petitioner as part time vocational instructors drawing consolidated pay between 09.07.1980



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to 31.03.1990 along with regular service between 01.04.1990 to 15.05.2005 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 11.03.2021, within the time limit fixed by this Court.

For Petitioner : M/s.S.Meena
For R-1, R-2 and R-4 : Mr.A.Kannan,
Additional Government Pleader.
For R-3 : Mr.P.Gunasekaran,
Standing Counsel.

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 11.03.2021 seeking to include 50% of the service of the petitioner's husband as part time vocational instructor for calculation of pension period and to re-fix the pensionary benefits. 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 respondents herein to consider the petitioner's representation, dated 11.03.2021, 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.



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5. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

01.07.2022

Index : Yes / No
Internet : Yes/ No
Lm/Vji

To

- 1.The Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Secretariat,
Chennai – 9.
- 2.The Director of School Education,
D.P.I. Campus,
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Chennai.
- 3.The Accountant General (Accounts and Entitlements),
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M.S.RAMESH, J.

Lm/Vji

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