



W.P.(MD).No.17243 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.17243 of 2022

M.Bakkiyam

... Petitioner

Vs.

1.The Secretary to Government,
School Education Department,
Fort St.George,
Secretariat,
Chennai – 600 006.

2.The Director of Elementary Education,
Directorate of Elementary Education,
DPI Complex,
College Road,
Chennai.

3.The Chief Educational Officer,
Virudhunagar,
Virudhunagar District.

4.The District Educational Officer,
Virudhunagar,
Virudhunagar District.

5.The Accountant General (A & E)
Accountant General Office,
No.261, Annasalai,
Teyanampet,
Chennai – 600 018.

...Respondents



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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 extend the benefits of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993 and award Selection / Special Grade Scale of Pay of Primary School Headmaster with effect from 01.06.1989 and consequently revise the pensionary benefit and pay arrears of pension to the petitioner, by considering the writ petitioner's representation dated 07.07.2022, within the time stipulated by this Court.

For Petitioner	: Mr.V.Uthayakumar
For R-1 to R-4	: Mr.S.Shaji Bino, Special Government Pleader.
For R-5	: Mrs.Mahalakshmi, 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 07.07.2022 seeking to extend the benefits of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993 on par with similarly placed persons and revise 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 2, 3 and 5 herein to consider the petitioner's representation, dated 07.07.2022, 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.



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

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Index : Yes / No
Internet : Yes/ No
Lm/btr

To

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M.S.RAMESH, J.

Lm/btr

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