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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2022

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.19681 of 2022

R.Kanagaraj ... Petitioner

/vs./

1.The Principal Secretary to the Government,
Finance Department,
Fort St.George, Chennai-9.

2.The Principal Secretary to the Government,
School Education Department,
Fort St.George, Chennai-9.

3.The Commissioner of School Education,
Directorate of School Education,
DPI Complex College Road,
Chennai.

4.The Joint Director (Vocational),
Directorate of School Education,
DPI Complex College Road,
Chennai.

5.The District Educational Officer,
Aruppukottai, Virudhunagar District. ... Respondents

PRAYER**:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to extend the

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benefits of Additional Fitment table issued in Government vide letter No. 51082/Paycell/2010-1, dated 15.09.2010 as per Rule 4(i) & (iii) of the Tamil Nadu Revised Scale Pay Rules, 2009 and consequently revise the pensionary benefits of writ petitioner with all monetary benefits by considering the representation dated 27.06.2022 given by the writ petitioner within time frame fixed by this Court.

For Petitioner : Mr.AL.Kannan
For Respondents : Mr.S.Shaji Bino
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 27.06.2022 seeking to extend the benefits of Additional Fitment table issued in Government vide letter No.51082/Paycell/2010-1, dated 15.09.2010 as per Rule 4(i) & (iii) of the Tamil Nadu Revised Scale Pay Rules, 2009 and consequently revise the pensionary benefits of writ petitioner with all monetary 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 second respondent herein to consider the petitioner's representation dated 27.06.2022 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. No costs.

25.08.2022

Index : Yes / No
Internet : Yes / No
Rmk

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M.S.RAMESH, J.

Rmk

Order made in
W.P.(MD) No.19681 of 2022

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