



WP(MD)No.20011 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2022

CORAM:

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

W.P.(MD)No.20011 of 2022

Dorry Shailajah

... Petitioner

/vs./

- 1.The Secretary to Government,
Higher Education (E2) Department,
Fort St.George, Chennai-9.
- 2.The Director of Collegiate Education,
Nungambakkam, Chennai-6.
- 3.The Joint Director of Collegiate Education,
Tirunelveli.
- 4.The Principal,
Women's Christian College,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent to consider the petitioner's representation dated 21.06.2022 and further direct the respondents 3 and 4 to regularize the period between 01.03.2001 to 15.06.2004 for the sake of calculation of revised pension benefits in view of the Tamil Nadu Pension Rules, 1978.



WP(MD)No.20011 of 2022

WEB COPY

For Petitioner : Mr.V.Rajiv Rufus
For Respondents : Mr.V.Nirmal Kumar (for R1 to R3)
Government Advocate

ORDER

By consent of both the parties, this writ petition is taken up for final disposal. Since no adverse order is going to be passed against the fourth respondent, notice to him is dispensed with.

2.The petitioner herein had given a representation to the respondents on 21.06.2022 seeking to regularize the period between 01.03.2001 to 15.06.2004 for the sake of calculation of revised pension benefits in view of the Tamil Nadu Pension Rules, 1978. 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. As such, non-consideration of the representation by the Statutory Authority would amount to



WP(MD)No.20011 of 2022

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 first and second respondents herein to consider the petitioner's representation dated 21.06.2022 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.

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

29.08.2022

Index : Yes / No

Internet : Yes / No

Rmk



WEB COPY



WP(MD)No.20011 of 2022

M.S.RAMESH, J.

Rmk

To

- 1.The Secretary to Government,
Higher Education (E2) Department,
Fort St.George, Chennai-9.
- 2.The Director of Collegiate Education,
Nungambakkam, Chennai-6.
- 3.The Joint Director of Collegiate Education,
Tirunelveli.

Order made in
W.P.(MD) No.20011 of 2022

Dated:
29.08.2022