



W.P.No.4286 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.4286 of 2023

Dhana Mary

...Petitioner

Vs

- 1.The Chief Educational Officer,
Cuddalore, Cuddalore District.
- 2.The District Educational Officer,
District Educational Office,
Viruthachalam, Cuddalore District.
- 3.The Block Educational Officer,
Cuddalore, Cuddalore District.
- 4.The Correspondent,
R.C. Sacred Heart Primary School,
Vadakkupalayam,
Cuddalore District – 608 701.
- 5.The Principal Accountant General [A&E],
361, Anna Salai,
Teynampet, Chennai – 600 018.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd to 4th respondents



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herein to consider the petitioner's representation dated 30.11.2022 pursuant to the 1st respondent order Na.Ka.No.5537/E4/2021 dated 12.08.2021 that considers to process the valid retirement pension for the petitioner who retired on 21.10.2018 under VRS since the delay of 3 years in processing petitioner's pension is sheer violation of applicable rules and regulations coupled with disobedient of 1st respondent order.

For Petitioner : Mr.J.Arokhiaraj

For Respondents : Mr.V.Stalin Abhimanyu
Additional Government Pleader

ORDER

With the consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the respondents on 30.11.2022 seeking for a direction to release the salary and 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 first respondent herein to consider the petitioner's representation dated 30.11.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks 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 respondents to consider the same on its own merits.



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5. Accordingly, the Writ Petition stands ordered. No costs.

Consequently, connected miscellaneous petition is closed.

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Index:Yes/No

Speaking order/Non-speaking order

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To

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M.S.RAMESH,J.

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