



W.P.No.19709 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.19709 of 2016

G.Arumugam

...Petitioner

Vs

- 1.The Secretary,
Educational Department,
School Education,
Fort St. George, Chennai - 600 009.
- 2.The Accountant General (A&E),
Mount Road, Teynampet,
Chennai - 600 018.
- 3.The Director of Elementary Education,
DPI Complex, Nungambakkam,
Chennai - 600 006.
- 4.The District Elementary Educational Officer,
Thiruvallur District,
Thiruvallur Post.
- 5.The Additional Assistant Elementary
Educational Officer,
Minjur Union, Minjur,
Thiruvallur District - 601 203.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of



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India to issue a Writ of Mandamus directing the 1st respondent herein to dispose the representation dated 05.11.2015 submitted with reference to the statement issued by the Assistant Treasury Officer, Ponneri dated 05.04.2016, showing the necessary proof of last drawn salary as Rs.15,170/- (Rupees Fifteen Thousand One Hundred and Seventy only) so as to enable the 2nd respondent herein to rectify the mistake while calculating the revised pension on 16.04.2012.

For Petitioner : Mr.C.Jaganathan

For R1, R3 to R5 : Mr.M.Shahjahan,
Special Government Pleader

For R2 : Mr.T.Ravikumar,
Standing Counsel

ORDER

The petitioner had given a representation to the first respondent on 05.11.2015 seeking for a direction to rectify the mistake while calculating the revised pension on 16.04.2012. Since the representation was not considered, the present writ petition has been filed.

2. 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



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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.

3. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 05.11.2015 on its own merits and pass appropriate orders in accordance with law, within a period of six 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 concerned respondent to consider the same on its own merits. Accordingly, the Writ Petition stands disposed of. No costs.

30.01.2023

Index:Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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To

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