



W.P.No.18609 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18609 of 2023

R.Lydia Rajkumari

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Principal Secretary
to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.

3.The District Educational Officer (Elementary),
Krishnagiri District, Krishnagiri.

4.The Block Educational Officer,
Krishnagiri Block, Krishnagiri.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pass orders for restoration of petitioner's provident fund under Tamil Nadu



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Pension Rules, 1973, based on TPF No.336723, reckoning the pensionable service with effect from 22.01.2003 in the post of Secondary Grade Teacher under regular time scale of pay in accordance with G.O.Ms.No.288, Finance (PGC) Department, dated 10.11.2016, in consideration of representation submitted by the petitioner dated 03.02.2021 followed by further representation dated 31.03.2023 with all consequential and other service benefits.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.P.Sanjay Gandhi
Government Advocate

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein had given representations to the respondents on 03.02.2021 and 31.03.2023 seeking for restoration of his Provident Fund by reckoning his pensionable service with effect from 22.01.2003 in the post of Secondary Grade Teacher. The said representations have not been considered till date. Hence, the petitioner has approached this Court by way of this Writ Petition.



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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 him 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 the Constitution of the India and direct them to consider the representation within a stipulated time.

4. In the light of the above observations, there shall be a direction to the third and fourth respondents herein to consider the petitioner's representations dated 03.02.2021 and 31.03.2023, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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 made by the petitioner and that it is open to the respondents to consider the same on its own merits.



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M.S.RAMESH,J.

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5. With the above direction, the Writ Petition stands disposed of.

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

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To

- 1.The Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
- 3.The District Educational Officer (Elementary),
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