



W.P.No.33147 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33147 of 2023

Dr.S. Narayana Kalkura

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Higher Educational Department,
Fort St. George, Secretariat,
Chennai – 600 009.

2.The Registrar,
Anna University,
Chennai – 600 025.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the total period of service rendered by the petitioner as 28 years 6 months and 24 days inclusive of the period Extra Ordinary Leave without pay (EOL) availed for advanced research studies with sanction of 2nd



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respondent University as qualifying service for pensionary benefits and other retirement benefits and consequently direct the respondents to sanction revised pension and other retirement benefits to the petitioner as on the date of retirement on 31.05.2020 with all consequential and other attendant benefits, in consideration of representation submitted by the petitioner dated 06.12.2022, within a time frame to be fixed by this Court.

For Petitioner : Mr.G. Sankaran,
Senior Counsel
for Mr.S. Nedunchezhiyan

For R1 : Mr.M. Bindran,
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner, as well as the learned Additional Government Pleader appearing for the first respondent.

2. In view of the order to be passed in this Writ Petition, no prejudice will be caused to the second respondent. Hence, notice to the second respondent, is hereby dispensed with.



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3. The petitioner herein has given several representations to the second respondent including his last representation dated 28.08.2023, requesting to include EOL availed by him for carrying out 'higher scientific studies' as qualifying service for his pension and to provide him the pension for his entire service of 28 years 6 months and 24 days. Since the said representation has not been considered till date, the present Writ Petition has been filed.

4. 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 them 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.



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5. In the light of the above observations, there shall be a direction to the respondents herein, to consider the petitioner's representation dated 28.08.2023, on their own merits and pass appropriate orders in accordance with law, within a period of four (4) 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.

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

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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To

- 1.The Principal Secretary to Government of Tamil Nadu,
Higher Educational Department,
Fort St. George, Secretariat,
Chennai – 600 009.
- 2.The Registrar,
Anna University,
Chennai – 600 025.



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M.S.RAMESH,J.

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