



WEB COPY

W.P.No.34136 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.34136 of 2023

D.Ashok Kumar

... Petitioner

Vs.

1.The Secretary to the Government,
Government of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai 600 009.

2.The Accountant General,
(General and Entitlements),
Teynampet, Chennai – 18.

3.The Director of School Education,
College Road, Chennai 600 006.

4.The Chief Educational Officer,
Nagapattinam District,
Nagapattinam.

5.The Headmaster,
C.S.I. Higher Secondary School,
Nagapattinam, Nagapattinam District.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to take



the 50% of the part time service rendered by the petitioner i.e. from 01.12.1982 to 31.03.1990 along with regular service for the purpose of retirement benefits and pension benefits.

For Petitioner : Mr.P.Edin Brough
For Mr.M.Dinesh

For R1 to R4 : Mr.M.Bindran
Additional Government Pleader

ORDER

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

2. The prayer sought for in this Writ Petition is for a direction to the respondents to take the 50% of the part time service rendered by the petitioner i.e. from 01.12.1982 to 31.03.1990 along with regular service for the purpose of retirement benefits and pension benefits. In this regard, the petitioner had given a representation to the respondents 4 and 5 on 05.09.2023. Since the said representation was not considered, the petitioner has preferred the present Writ Petition.



WEB COPY

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 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 the 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 respondents 4 and 5 herein to consider the petitioner's representation dated 05.09.2023, 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 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.

11.12.2023
(5/5)

Jeni

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

To

- 1.The Secretary to the Government,
Government of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai 600 009.
- 2.The Accountant General,
(General and Entitlements),
Teynampet, Chennai – 18.
- 3.The Director of School Education,
College Road, Chennai 600 006.
- 4.The Chief Educational Officer,
Nagapattinam District,
Nagapattinam.
- 5.The Headmaster,
C.S.I. Higher Secondary School,
Nagapattinam, Nagapattinam District.



WEB COPY



W.P.No.34136 of

M.S.RAMESH, J.

Jeni

W.P.No.34136 of 2023

11.12.2023
(5/5)