



W.P.No.34967 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34967 of 2023

- 1.S.Swaminathan
- 2.G.Kumaraswami
- 3.Arulmary Arulando
- 4.R.M.Meenal
- 5.M.Sandadevi
- 6.S.Pushpavalli
- 7.M.Paulraj
- 8.A.Xavur
- 9.R.Santha
- 10.T.Vasanthakumari

... Petitioners

Vs.

- 1.Government of Tamilnadu,
Represented by Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai - 600 009.
- 2.The Director of School Education,
College Road, Nungambakkam,
Chennai - 600 006.



W.P.No.34967 of 2023

WEB COPY

3.The Chief Educational Officer,
Madurai District,
Madurai.

4.The District Educational Officer,
Madurai District,
Madurai.

5.The Chief Educational Officer,
Dindigul District,
Dindigul.

6.The District Educational Officer,
Dindigul District,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider the claim of the petitioners' representation dated 09.10.2023 for granting the benefits of G.O.Ms.No.216 Finance (PC) Department, dated 22.03.1993 as modified in G.O.Ms.No.90, School Education (SE 3(1) Department dated 09.05.2018 to the pensioner with effect from 01.03.2017 in the light of W.A.No.2684 of 2019 and batch dated 07.07.2023 and pass orders therein within a time frame.

For Petitioners : Mr.P.Krishna Moorthi

For Respondents : Mrs.V. Yamuna Devi
Special Government Pleader



W.P.No.34967 of 2023

WEB COPY

ORDER

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

2. The petitioners herein have given a representation to the respondents on 09.10.2023, seeking to grant the benefits of G.O.Ms.No.216 Finance (PC) Department, dated 22.03.1993 as modified in G.O.Ms.No.90, School Education (SE 3(1) Department dated 09.05.2018 with effect from 01.03.2017. Since the said representation has not been considered till date, the present Writ Petition has been filed.

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



W.P.No.34967 of 2023

WEB COPY

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 respondents herein, to consider the petitioners' representation dated 09.10.2023, on their own merits and pass appropriate orders in accordance with law, within a period of three (3) months 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 petitioners 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.

15.12.2023

Index:Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Sni



W.P.No.34967 of 2023

WEB COPY To

- 1.The Principal Secretary to Government of Tamilnadu,
School Education Department,
Secretariat,
Chennai - 600 009.
- 2.The Director of School Education,
College Road, Nungambakkam,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Madurai District,
Madurai.
- 4.The District Educational Officer,
Madurai District,
Madurai.
- 5.The Chief Educational Officer,
Dindigul District,
Dindigul.
- 6.The District Educational Officer,
Dindigul District,
Dindigul.



WEB COPY



W.P.No.34967 of 2023

M.S.RAMESH,J.

Sni

W.P.No.34967 of 2023

15.12.2023