



W.P.(MD).No.23500 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23500 of 2023

S.Kanchanamala

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.
- 2.The Commissioner,
Commissioner of Treasuries and Accounts,
CPS Cell,
Government Data Centre,
5th floor, Perasiriyar Anbalagan Maaligai,
571, Annasalai,
Nandanam,
Chennai-600 035.
- 3.The District Educational Officer (Elementary Education),
Madurai District,
Madurai-625 002.
- 4.The Block Educational Officer,
Madurai West Block,
Anaiyur,
Madurai-625 017.



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5.The Sub-Treasury Officer,
Madurai North,
Madurai-625 020.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation, dated 30.08.2023 for the payment of Contributory Pension Scheme amount due to the petitioner.

For Petitioner : Mr.A.John Vincent

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the second respondent to consider the petitioner's representation, dated 30.08.2023 for the payment of Contributory Pension Scheme amount due to the petitioner.

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

3. The petitioner was a B.T. Assistant in Government School and on attaining the age of superannuation, she retired on 31.05.2023 from Madurai



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West Panchayat Union Middle School. She was appointed on 01.06.2006 and she came under Contributory Pension Scheme and the CPS number is 709018. Since she was appointed after 01.04.2003, she came under the Contributory Pension Scheme and she is not eligible for Old Pension Scheme. Immediately on retirement, she filed an application for payment of Contributory Pension amount due to her through the fourth respondent to the second and fifth respondent. However, all the efforts of the petitioner had proved to futile and hence, she filed an application for final settlement of Contributory Pension detailing annual account statement for the period between 2022 and 2023 (i.e.,) up to February 2023. For the month of March 2023 to May 2023, she furnished voucher number and head account as well. The entire account details had already been furnished to the respondents. That apart, the petitioner had made a representation to the respondents 1, 2 and 4 by a registered post on 30.08.2023 and the same has been duly received. However, the respondents have not considered the same. Hence, this writ petition came to be 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 the respondents to consider the same on its own merits and pass appropriate orders in one way or



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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.

5. This Court hereby direct the second respondent to consider the representation of the petitioner, dated 30.08.2023 and pay Contributory Pension Scheme amount due to the petitioner in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. This writ petition stands allowed, accordingly. There shall be no order as to costs.

27.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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L.VICTORIA GOWRI, J.

BTR

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