



W.P.(MD).No.1402 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1402 of 2024

R.Pulpass

... Petitioner

Vs

1. The Secretary to Government,
State of Tamil Nadu,
School Educational Department, Chennai-6.
2. The Director of School Education,
College Road, Chennai-6.
3. The Chief Educational Officer,
Kanyakumari District.
4. The District Educational Officer,
Kuzhithurai, Kanyakumari District.
5. The Secretary,
Concordia Higher Secondary School,
Pootteti, Theruvukadai Post,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to sanction and disburse pension and other retirement benefits to the



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petitioner from 01.06.2000 onwards by counting 50 % of part-time Vocational Instructor service between 09.09.1980 to 04.10.1996 and full time Vocational Instructor service from 05.10.1996 to 31.05.2000.

For Petitioner : Mr. E.V.N.Siva

For Respondents : Mr.M.Sarangan (R1-R4)
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the respondents to sanction and disburse pension and other retirement benefits to the petitioner from 01.06.2000 onwards by counting 50% of part-time Vocational Instructor Service from 09.09.1980 to 04.10.1996 and full time Vocational Instructor Service from 05.10.1996 to 31.05.2000.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself. Considering the limited relief sought for by the petitioner, notice to the fifth respondent is dispensed with.

3.Heard, the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 4. Perused the materials on record.



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4.The petitioner was initially appointed as Single Part-time Nursing Vocational Instructor on 09.09.1980 in the 5th respondent School. He was posted as double part-time Nursing Vocational Instructor from 05.07.1982 to 04.10.1996. His service was regularized as full time Vocational Instructor from 05.10.1996 and attained the age of superannuation on 31.05.2000. Though he had rendered 19 years 8 months and 22 days of service from 09.09.1980 to 31.05.2000, his pension and other retirement benefits were not sanctioned to him by counting the 50% of Part-time Vocational Instructor service from 09.09.1980 to 04.10.1996 and full time Vocational Instructor service from 05.10.1996 to 31.05.2000. In this regard, he made representation before the respondents on 11.12.2013 and also filed W.P(MD)No.20820 of 2013 and the same was allowed by this Court by directing the respondents therein to reconsider the case for counting of service of 50% of the service. Though similar reliefs have been extended to similarly placed persons by the Government, the representation of the petitioner is kept in abeyance. Hence, this writ petition came to be filed.



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5. 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 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.

6. Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby directs the second respondent to consider the representation of the petitioner, dated 11.12.2023 and pass appropriate orders in accordance with law, within a period of eight (8) weeks, from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

24.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

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L.VICTORIA GOWRI, J.

PNM

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