



W.P.(MD).No.13665 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.13665 of 2024

S.Kaliammal

... Petitioner

Vs

1. The Director of Collegiate Education,
Chennai.
2. The Regional Joint Director,
Chinna Chokkikulam, Madurai District.
3. The Registrar,
Mother Teresa Women University,
Kodaikanal.

... 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 to disburse the retirements benefits of the petitioner and arrears of increment from the period from July 2021 to July 2023 by considering the representation of the petitioner dated 10.06.2024.

For Petitioner : Mr. G.Prabhu Rajadurai

For Respondents : Mr.T.Amjadkhan
Government Advocate



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ORDER

Heard Mr.G.Prabhu Rajadurai, learned counsel for the petitioner and Mr.T.Amjadkhan, learned Government Advocate, for the respondents.

2.This Writ Petition has been filed for a direction to the respondents to disburse the retirements benefits of the petitioner and arrears of increment from the period from July 2021 to July 2023 by considering the representation of the petitioner dated 10.06.2024.

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

4. The petitioner was appointed as an Instructor in the 3rd respondent University on 12.07.1989. The post of Instructor was re-designated as Technical Assistant in the year 1990. She was granted with Selection Grade and Special Grade. She was informed that there were remarks from the local fund audit as to the grant of Selection Grade in the year 1999 and revision of scale of pay at the time of re-designation of the post of Instructor as Technical Assistant in the year 1990. In this regard, she received a notice on 12.10.2022



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from the 3rd respondent and submitted her reply on 28.10.2022. In the meantime, due to superannuation, she retired from service on 31.03.2024. However, she was not disbursed with any retirement benefits. In this regard, the petitioner has sent a representation to the respondents on 10.06.2024 and the same was not considered. Hence, the present writ petition has been filed.

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. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.



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6. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's application, dated 10.06.2024, on its own merits and pass appropriate orders in accordance with law, after making due enquiry, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the case or the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

7. With the above direction, this writ petition is disposed of. No costs.

26.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Director of Collegiate Education,
Chennai.
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3. The Registrar,
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R.N.MANJULA, J.

PNM

ORDER IN
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