



W.P.(MD).No.31133 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.31133 of 2023

R.Dhanasekar

... Petitioner

Vs

1. The State Represented by its,
Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai - 9.
2. The Director of Technical Education,
O/o Director of Technical Education,
Guindy, Chennai - 25.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the respondents to regularize his service from 10.12.1998, only for the purpose of the pensionary benefits by disposing Petitioner`s representation dated 23.09.2019.

For Petitioner : Mr. R. Suriya Narayanan

For Respondents : Mr.G.Suryananth
Additional Government Pleader



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ORDER

The present writ petition has been filed seeking a direction to the respondents to regularize the petitioner's service from 10.12.1998, only for the purpose of the pensionary benefits by disposing Petitioner's representation dated 23.09.2019

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

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

4.The petitioner was appointed as a Lecturer in the Tamil Nadu Government Polytechnic College at Madurai on 10.12.1998 on contract basis, with time scale of pay, in the year 1998-99 and the same was extended thereafter every year upto 2006-2007. The service of the petitioner and 43 contract Lecturers were considered for regular service by the Teachers Recruitment Board and was accepted by the first respondent vide G.O.Ms.No.



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169, dated 15.06.2006. Thereby, on 13.07.2006, he was appointed as Lecturer in the Tamil Nadu Government Polytechnic College at Madurai in regular basis. As per G.O.(Ms)No.255, (Higher Education), dated 22.11.2016, 31 Assistant Professors, 67 Assistant Professors, who are originally appointed on contract basis on 02.05.1997, their contract period is considered and regularized for the purpose of getting the pension benefits on the basis of G.O(Ms)No.408 (Finance) Pension Department, dated 20.05.2009. However, the petitioner was not regularized. Therefore, the petitioner made a representation on 23.09.2019 to regularize his service from 10.12.1998 and the same was not considered by the respondents. Hence, this petition.

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.



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6. It is made clear that without going into the merits of this case, this Court hereby direct the respondents to consider the representation of the petitioner, dated 23.09.2019 and pass final orders in accordance with law, within a period of six (6) weeks, from the date of receipt of a copy of this order.

7. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

02.01.2024

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

To

1. The State Represented by its,
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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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