



W.P.(MD)No.14868 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.14868 of 2025

M.Santhanantham

... Petitioner

-VS-

The District Elementary Educational Officer,
District Educational Office.
Madurai.

... Respondent

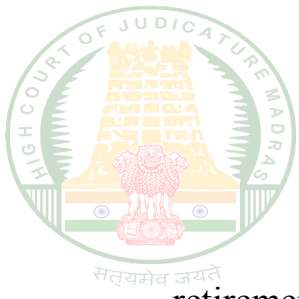
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to provide the additional pension payable to petitioner from the next date of retirement i.e., 01.03.2023 with reasonable rate of interest based on his representation dated 01.03.2025, within a time frame as may be fixed by this Court.

For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondent to provide additional pension payable to the petitioner from the next date of his



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retirement i.e., 01.03.2023 with reasonable rate of interest based on his representation dated 01.03.2025.

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

3. The petitioner submits that he had joined service as an Assistant Secondary Grade Teacher in the RC Elementary School, Thaayamangalam, Ramanathapuram District on 13.03.1990 and thereafter rendered 33 years of unblemished service in various Government-aided schools. He was allowed to retire from service on 28.02.2023 as an Assistant Secondary Grade Teacher from Panchayat Union Secondary School and is presently drawing a monthly pension of Rs.40,000/-.

4. The petitioner further submits that prior to his regular appointment, he had rendered the following qualifying service, which has been wrongfully excluded from the calculation of his pension:-

- (i) 30 days of service from 13.03.1990 to 11.04.1990 in
RC Elementary School;



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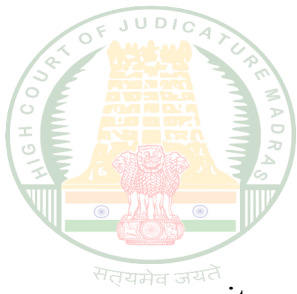
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- (ii) 58 days of service as a substitute Secondary Grade Teacher from 02.08.1990 to 24.10.1990 in the same school; and
- (iii) 102 days of service from 24.06.1996 to 03.10.1996 as Permanent Secondary Grade Teacher in RC Middle School, Kalayarkoil.

In total, the petitioner had rendered 190 days of service which, though qualifying in nature, was not taken into account for calculation of pension. Despite being eligible for the benefit of counting such qualifying service, the petitioner's request has not been considered. Hence, being aggrieved by the non-inclusion of 190 days of qualifying service in pension computation, the petitioner has sent a representation to the respondent on 01.03.2025. Since the same has not been considered so far, the petitioner has been constrained to file the present writ petition before this Court, seeking appropriate relief.

5. Heard both sides.

6. 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 him to consider the same



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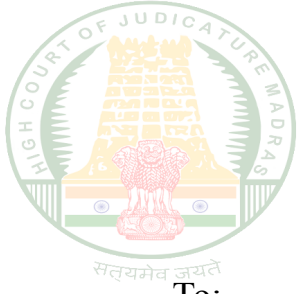
on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

7. In the light of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation dated 01.03.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondent to consider the same on its own merits.

8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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