



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2018

CORAM :

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) No.8303 of 2018

M.Lourdu Josephine

... Petitioner

Vs.

1.The Director of School Education

(Higher Secondary)

O/o.the Directorate of School Education,
College Road, Chennai - 6.

2.The Chief Educational Officer,

O/o.the Chief Educational Office,
Ramanathapuram,
Ramanathapuram District.

3.The Headmaster,

Government Higher Secondary School,
R.Kavanoor,
Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to sanction the unearned leave salary a sum of Rs.2,01,516/- and forward the same for approval to the concern authority in the light of order passed by the 2nd respondent in his proceedings in Na.Ka.No.8605/A1/2016 dated 24.11.2016 and by considering the petitioner's representations dated 24.02.2017, 14.02.2018 and 15.03.2018 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Mrs.S.Srimathy, Spl.G.P.

O R D E R

The prayer sought for in this writ petition is for a writ of mandamus, directing the 3rd respondent to sanction the unearned leave salary a sum of Rs.2,01,516/- and forward the same for



approval to the concern authority in the light of order passed by the 2nd respondent in his proceedings in Na.Ka.No.8605/A1/2016 dated 24.11.2016 and by considering the petitioner's representations dated 24.02.2017, 14.02.2018 and 15.03.2018 within the period that may be stipulated by this Court.

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2. Heard Mr.V.Cenkatesh Kumar, learned counsel for M/s.Ajmal Associates, appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

3. It is the grievance of the petitioner that even though 90 days of Unearned Leave has already been sanctioned to the petitioner at the time of his superannuation, the salary to such unearned leave already sanctioned has not so far been paid. In this regard, the petitioner has made several requests from February 2017 onwards and last such representations were made by the petitioner on 14.02.2018 and 15.03.2018. In spite of the said representations, the third respondent has not forwarded the proposal to the first respondent for passing orders. Therefore, the learned counsel appearing for the petitioner would submit that if direction to that effect to consider the request of the petitioner and be forwarded by the third respondent, based on such forwarding of the proposal, the first respondent be directed to consider the same and pass orders, within the time frame stipulated by this Court, the petitioner would be satisfied.

4. I have heard the learned Special Government Pleader appearing for the respondents, who would state that since the third respondent yet to forward the proposal, as soon as the third respondent forwarded the proposal, the first respondent will consider the same, within a time frame and pass orders thereon.

5. Considering the said submissions made by the learned counsel appearing for both sides, this writ petition is disposed of, at the admission stage, with the consent of both sides, with the following direction:

"The third respondent is directed to forward the proposal based on the representations given by the petitioner on 14.02.2018 and 15.03.2018, in the light of the proceedings of the second respondent dated 24.11.2016 to the first respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such proposal to be forwarded by the third respondent, the first respondent shall consider the same, on merits and in accordance with law and pass orders thereon, regarding the payment of salary for the unearned leave period of 90 days of the petitioner, within a period of six weeks thereafter."



6. With this direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

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(Higher Secondary)
O/o. the Directorate of School Education,
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2. The Chief Educational Officer,
O/o. the Chief Educational Office,
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Ramanathapuram,
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+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO. 61885

W.P (MD) No. 8303 of 2018
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MS/CM-PN/SAR.3/15.05.2018/3P.5C