



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.12.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P.(MD)No.5338 of 2019

WEB COPY

1.Kanneswari
2.K.Raveena (Minor) ... Petitioners

/vs./

1.The Chief Educational Officer,
Chief Educational Office, Theni, Theni District.

2.The District Educational Officer,
School Educational Department, Uthamapalayam, Theni District.

3.The Secretary,
Management of Krishna Iyer Hr.Secondary School,
Chinnamannur, Theni District.

4.Rajalakshmi ... Respondents

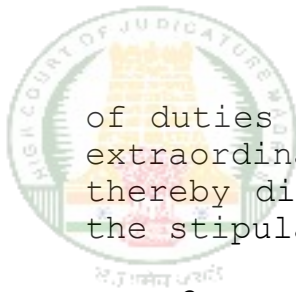
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the petitioners' representation dated 19.10.2018 seeking the customary retirement benefits of the petitioner's deceased son Mr.Karthick within the time limit as fixed by this Court.

For Petitioners	:	Mr.K.K.Samy
For R-1 to R-3	:	Mr.M.Karuppasamy
		Government Advocate
For R-4	:	Mr.P.Samvel Gunasingh

ORDER

The limited prayer sought for by the petitioners is that to consider the representation dated 19.10.2018 seeking customary retirement benefits of the first petitioner's deceased son Mr.Karthick.

2. Whenever a representation is made to a statutory authority to redress the claim of the employee, 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. Such an inaction would amount to dereliction



of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

3. In view of the above observations, there shall be a direction to the second respondent herein to consider the petitioners' representation dated 19.10.2018 on its own merits and pass appropriate orders within a period of three (3) months from the date of receipt of a copy of this order. However, at the time of consideration, the second respondent shall give due opportunity to the petitioners as well as the fourth respondent herein and take further action after consideration of their objections, if any. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioners in their representation and it is for the respondents to consider it in accordance with law.

4. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Chief Educational Officer,
Chief Educational Office, Theni, Theni District.

2.The District Educational Officer,
School Educational Department, Uthamapalayam, Theni District.

3.The Secretary,
Management of Krishna Iyer Hr.Secondary School,
Chinnamannur, Theni District.

+1 CC to M/s.P.SAMUVELGINASINGH, Advocate (SR-104444[F] dated 11/12/2019)

+1 CC to M/s.K.K.SAMY, Advocate (SR-104618[F] dated 12/12/2019)

Order made in
W.P. (MD) No.5338 of 2019
10.12.2019

KK/SAR/30.12.2019/2P-6C/