



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.12.2019**

CORAM:

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

WEB COPY

W.P. (MD)No.26017 of 2019

and

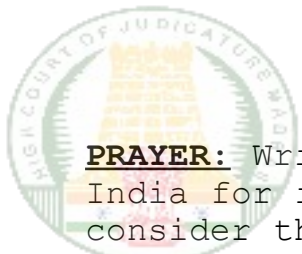
W.M.P(MD) No.22518 of 2019

M.Thirumeni

... Petitioner

/vs./

- 1.The State of Tamil Nadu
Rep by its Principal Secretary to Government,
School Education Department,
Secretariat, Chennai-600 009.
 - 2.The Director of Elementary Education,
DPI Campus, College Road, Chennai-600 006.
 - 3.The Joint Director of Elementary Education (Aided Schools),
DPI Campus, College Road, Chennai - 600 006.
 - 4.The Chief Educational Officer,
Government Syed Murthuza Higher Secondary School Campus,
Marakkadai, Trichy-620 008.
 - 5.The District Elementary Educational Officer,
Trichy-620 020.
 - 6.The District Educational Officer,
Musiri-621 211, Trichy District.
 - 7.The Block Educational Officer,
(Formerly Assistant Elementary Educational Officer),
Musiri-621 211, Trichy District.
 - 8.K.Shanmugasundaram,
Block Educational Officer,
Musiri-621 211, Trichy District.
 - 9.G.Manisekar
S/o.Late.Gothandaraman
Former Secretary,
Gothandaraman Memorial Aided Middle School,
4/20, East Street, Veeramanippatt-621 202,
Musiri Taluk, Trichy District.
- ... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 29.04.2019 as well as reply dated 03.10.2019 and to pass final orders on the Charge Memo No.Nil dated 26.09.2011 based on the enquiry held on 27.12.2011 and to regularize the suspension period from 30.08.2011 to 30.12.2011 as unearned leave on Private Affairs and to grant annual periodical increments from 01.10.2011 to till date, to grant Selection Grade in the post of Middle School Headmaster from 25.06.2014 and to pay difference in Grade Pay of Rs.200/- on the revision of Grade Pay for Middle School Headmasters from Rs.4500/- to Rs.4700/-, to refix the pay in the Revised pay Band under the Tamil Nadu Revised Scale of Pay Rules 2017 with effect from 01.01.2016 and grant all the service and monetary benefits with interest at 12% per annum within a time limit to be fixed by this Court.

For Petitioner : Mr.A.Thirumurthy
For R-1 to R-7 : Mr.M.Karuppasamy
Government Advocate.

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The limited prayer sought for in the present writ petition is for a direction to the respondents to consider the petitioner's representation dated 29.04.2019, wherein he has sought for regularization of the suspension period and for grant of annual periodical increments.

3. 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 merit 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.

4. In view of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representations dated 29.04.2019 on its own merits and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in his representation and it is for the respondents to consider it in accordance with law.



5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Principal Secretary to Government,
School Education Department,
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 - 7.The Block Educational Officer,
(Formerly Assistant Elementary Educational Officer),
Musiri-621 211, Trichy District.
- +1 CC to M/s.A.THIRUMURTHY, Advocate (SR-103888[F] 06/12/2019)
- +1 CC to M/s.Special Govt.Pleader (SR-103984[F] dated 09/12/2019)

Order made in
W.P.(MD)No.26017 of 2019

and
W.M.P(MD) No.22518 of 2019

SDS (20.12.2019) 3P 10C