



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **09.12.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.26076 of 2019

WEB COPY

R.Tamilselvan

... Petitioner

/vs./

1.The Chief Educational Officer,
Thoothukudi District, Thoothukudi.

2.The Headmaster,
Government Higher Secondary School,
Sivagnanapuram, Thoothukudi District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to pay 75% of the petitioner's last drawn salary as subsistence allowance along with arrears from 04.02.2019 by considering the petitioner's representation dated 06.09.2019.

For Petitioner : Mr.K.Prabhu
For Respondents : Mr.M.Karuppasamy
Government Advocate

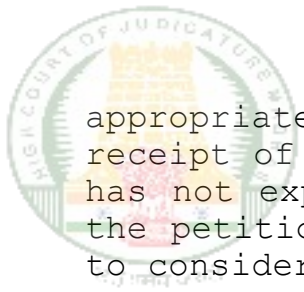
ORDER

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 that to consider the petitioner's representation dated 06.09.2019 seeking to pay 75% of the petitioner's last drawn salary as subsistence allowance along with arrears from 04.02.2019.

3. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondent 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 respondents herein to consider the petitioner's representations dated 06.09.2019 on its own merits and pass



appropriate orders within a period of six (6) 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.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

rmk

To

1.The Chief Educational Officer,
Thoothukudi District, Thoothukudi.

2.The Headmaster,
Government Higher Secondary School,
Sivagnanapuram, Thoothukudi District.

+1 CC to Mr.K.PRABHU, Advocate (SR-104032[F] dated 09/12/2019)

+1 CC to SPL GP (SR-104199[F] dated 10/12/2019)

Order made in
W.P.(MD) No.26076 of 2019
Dated:09.12.2019

MK (31.12.2019) 2P 5C