



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.12.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.26854 of 2019

and W.M.P. (MD) No.23192 of 2019

WEB COPY

K.Usha Suganthi Shanthini

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep by its Principal Secretary
Department of School Education,
Fort.St.George, Chennai-9.
 - 2.The Director of School Education,
O/o. the Director of School Education,
DPI Campus, Chennai-6.
 - 3.The Joint Director of School Education (Higher Secondary),
O/o. the Joint Director of School Education (Higher Secondary),
DPI Campus, Chennai-6.
 - 4.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Sivagangai, Sivagangai District.
 - 5.The District Educational Officer,
O/o. the District Educational Officer,
Sivagangai, Sivagangai District.
 - 6.The Government Higher Secondary School,
Rep by its Head Master,
Ulagampatti,
Sivagangai, Sivagangai District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondent Nos.1 to 5 to settle the Gratuity payable to the petitioner along with the interest with effect from 31.07.2019 and pass orders within the time frame stipulated by this Court.

For Petitioner	: Mr.T.Aswin Rajasimman for Mr.T.Lajapathy Roy
For Respondents	: Mr.A.Thiyagarajan, Government Advocate.

ORDER

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

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2. Though the petitioner has sought for issuance of writ of mandamus to the respondents to settle the Gratuity payable to the petitioner along with the interest with effect from 31.07.2019, in my view, such a decision is to be taken by the respondents and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioner would submit that she has already made representation on 23.11.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. 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.

5. In view of the above observations, there shall be a direction to the fourth respondent herein to consider the petitioner's representation, dated 23.11.2019, 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 her representation and it is for the respondents to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar(CS)

gns

To

1. The Principal Secretary
Department of School Education,
Secretariat, St. George, Chennai-9.

<https://hcservices.ecourts.gov.in/CaseDetails>



2.The Director of School Education,
O/o. the Director of School Education,
DPI Campus, Chennai-6.

3.The Joint Director of School Education (Higher Secondary),
O/o. the Joint Director of School Education (Higher Secondary),
DPI Campus, Chennai-6.

4.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Sivagangai, Sivagangai District.

5.The District Educational Officer,
O/o. the District Educational Officer,
Sivagangai, Sivagangai District.

6.The Head Master,
Government Higher Secondary School,
Ulagampatti,
Sivagangai, Sivagangai District.

+1 CC to SPL.GP (SR-105570[F] dated 18/12/2019)

+1 CC to MR.T.LAJAPATHY ROY, Advocate (SR-106061[F] dated
19/12/2019)

W.P. (MD) No.26854 of 2019
17.12.2019

MK (07.01.2020) 3P 9C