



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2020

CORAM:

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

W.P. (MD) No.985 of 2020

M.Ponvijaya

... Petitioner

/vs./

1.The District Educational Officer,
Vallioor, Tirunelveli District.

2.The Block Educational Officer,
Vallioor, Tirunelveli District.

3.The Manager,
Hindu Primary School,
Pillaiyar Kudieruppu, Jacobpuram Post,
Radhapuram Taluk, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 and 2 herein to award incentive increments to the petitioner for her M.A and M.Ed degree with effect from 29.04.1993 with all attendant benefits and privileges by considering the representation of the petitioner dated 24.10.2019 on merits and in accordance with law and in the light of the judgement reported in 2008(5) MLJ 1349 and order dated 05.03.2018 in W.A.(MD).No.895 of 2013 of the Hon'ble Division Bench of this Court.

For Petitioner : Mr.T.Pon Ramkumar
For R-1 & R-2 : 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. Since no adverse order is going to be passed against the third respondent, notice to him is dispensed with.

2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents 1 and 2 herein to award incentive increments to the petitioner for her M.A and M.Ed degree with effect from 29.04.1993 with all attendant benefits, in my view, such a decision is to be taken by the first respondent 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 24.10.2019 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 first respondent herein to consider the petitioner's representation, dated 24.10.2019, 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 first respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To:

1.The District Educational Officer,
Vallioor, Tirunelveli District.

2.The Block Educational Officer,
Vallioor, Tirunelveli District.



+1 CC to M/s.T.PON RAM KUMAR, Advocate (SR-2116[F] dated 21/01/2020)

+1 CC to M/s.SPL.GP (SR-2569[F] dated 23/01/2020)

WEB COPY

Order made in
W.P. (MD) No.985 of 2020
Dated: 21.01.2020

GRL (CO)

TR (04.02.2020) 3P 5C