



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **29.01.2020**
CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.1673 of 2020
and
W.M.P (MD) No.1402 of 2020

L.Geldon Wilfred Viola

/vs./

... Petitioner

1.The Secretary to Government,
School Education Department,
Fort St George,
Chennai-600 009.

2.The Director of School Education,
College Road,
Chennai-600 006.

3.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

4.The District Educational Officer,
Valliyur.

5.The Manager,
R.C Schools,
Tuticorin Diocese,
Tuticorin-628 001.

6. The Headmaster,
Bishop Roche Higher Secondary School,
Idinthakarai Post,
Radhapuram Taluk,
Thirunelveli District 627 104

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondent to disburse the salary for the extended period of service from 01.11.2018 to 31.05.2019 and consequently settle the terminal benefits due to the petitioner with interest for belated payment of terminal benefits and salary fixed by this Court within a time frame fixed by this Court.



For Petitioner : Mr.L.P.Maurya
For R-1 to R-4 : Mr.M.Karuppasamy
Government Advocate

ORDER

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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 fifth respondent, notice to him is dispensed with.

2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents to disburse the salary for the extended period of service from 01.11.2018 to 31.05.2019 and consequently settle the terminal benefits due to the petitioner with interest for belated payment of terminal benefits and salary fixed by this Court, 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 a representation on 19.11.2019 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 third respondent herein to consider the petitioner's representation, dated 19.11.2019, 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 her representation and it is for the third respondent 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.

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// True Copy //

Sd/-

Assistant Registrar

/ /2020

Sub Assistant Registrar(CS)

cp

To:

- 1.The Secretary to Government,
School Education Department,
Fort St George,
Chennai-600 009.
- 2.The Director of School Education,
College Road,
Chennai-600 006.
- 3.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
- 4.The District Educational Officer,
Valliyur.

+1 CC to M/s.L.P.MAURYA, Advocate (SR-3533[F] dated 29/01/2020)
+1 CC to SPL.GP (SR-3912[F] dated 30/01/2020)

Order made in
W.P. (MD) No.1673 of 2020
29.01.2020

MK (07.02.2020) 3P 7C