



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.02.2020**

CORAM:

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

WEB COPY

W.P. (MD) No.2930 of 2020

D.Angeluse

... Petitioner

/vs./

1.The State of Tamilnadu,
represented by its Secretary to Government,
School Education Department,
Secretariat,
Chennai - 9.

2.The Director of School Education,
College Road,
Chennai.

3.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

4.The District Educational Officer,
Thiruvattar,
Kanyakumari District.

5.The Correspondent,
Aided Higher Secondary School,
Kalluppalam,
Edaicode Post,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 4th respondent to regularize the service of the petitioner for the period from 01.08.1983 to 31.05.1991 and to pay all service, monetary benefits and arrears of salary by considering the representation of the petitioner dated 16.10.2019 and the proposal submitted by the 5th respondent dated 04.12.2019, within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For R1 to R4 : 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. Though the petitioner has sought for issuance of Writ of Mandamus to the fourth respondent to regularize the services of the petitioner for the period from 01.08.1983 to 31.05.1991 and to pay all service, monetary benefits and arrears of salary, 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 he has already submitted a representation on 16.10.2019 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 fourth respondent herein to consider the petitioner's representation, dated 16.10.2019, on its own merits and pass appropriate orders within a period of eight 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 fourth respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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



To

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+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-6349[F] dated
14/02/2020)

+1 CC to M/s.SPL.GP (SR-7049[F] dated 19/02/2020)

W.P. (MD) No.2930 of 2020
14.02.2020

JMN(26.02.2020) 3P : 7C