



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.02.2020**

CORAM:

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

W.P. (MD) No.3905 of 2020

P.Anbalagan

... Petitioner

/vs./

1.The State of Tamil Nadu,
Represented by its Director,
Directorate of School Education,
College Road, Chennai-06.

2.The Chief Educational Officer,
Dindigul District,
Dindigul.

3.The District Educational Officer,
Palani,
Dindigul District.

4.The Correspondent,
Shanthi Nikethan Higher Secondary School,
Shantipuram, Ambilikkai,
Ottanchathiram Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents to regularized the petitioner's service from the date of his initial appointment from the month of March 1976 in the post of Sanitary Worker and consequently direct the respondents to provide his service benefits from March 1976 to March 1996 with all consequential benefits by considering his representation dated 02.05.2018 within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For R-1 to R-3 : 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.

2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents to regularize his service from the date of his initial appointment from the month of March 1976 in the post of Sanitary Worker and consequently, direct the respondents to provide his service benefits from March 1976 to March 1996, with all consequential benefits, 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 made representation on 02.05.2018 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 02.05.2018, 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 his 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.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

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To:-

1.The Director,
State of Tamil Nadu,
Directorate of School Education,
College Road, Chennai-06.

2.The Chief Educational Officer,
Dindigul District,
Dindigul.

3.The District Educational Officer,
Palani,
Dindigul District.

+1 CC to M/s.SPL.GP (SR-8775[F] dated 27/02/2020)

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-8511[F] dated
26/02/2020)

Order made in
W.P. (MD) No.3905 of 2020
26.02.2020

JMN(06.03.2020) 3P : 6C