



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.(MD) No.5446 of 2020

A.Isnowar

... Petitioner

Vs.

The District Educational Officer,
District Educational Office,
Kumbakonam Educational District,
Kumbakonam,
Thanjavur District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to regularize the service of the petitioner with retrospective effect and consequently revise the monetary benefits to the petitioner from the date of regularization, on the basis of the petitioner's representation dated 09.01.2020.

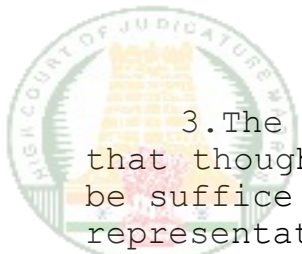
For petitioner : Mr.S.Deenadhayalan

For respondent : Mr.N.Shanmugaselvan,
Addl. Government Pleader

ORDER

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

2. The learned counsel for the petitioner submitted that the petitioner was appointed as Night Watchman by the respondent on 23.11.2012 in Government High School, Thippirajapuram, Kumbakonam. Due to family dispute, a criminal case has been registered against him and after trial, he was acquitted from the criminal case on 01.04.2019. The grievance of the petitioner is that the respondent has not regularised his service stating the pendency of the criminal case. Now, he is acquitted from the criminal case, but his service has not been regularised by the respondent. In this regard, the petitioner has also sent a representation to the respondent on 09.01.2020. But, the same has not been considered by the respondent till date. Hence, the petitioner has come up with this writ petition.



3.The learned counsel for the petitioner would further submit that though the petitioner has come up with larger relief, it would be suffice if a direction is given to the respondent to consider the representation of the petitioner dated 09.01.2020 within a stipulated time.

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4. The learned Additional Government Pleader appearing for the respondent submitted that the representation of the petitioner would be considered by the respondent as early as possible.

5. 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 a stipulated time.

6. Considering the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the respondent to consider the representation of the petitioner dated 09.01.2020 in the light of the judgment passed in C.C.No.144 of 2015, dated 01.04.2019 and pass appropriate order on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to send a copy of the representation dated 09.01.2020, along with a copy of this order, to the respondent for early consideration of the matter.

7. With the above directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gcg



To

The District Educational Officer,
District Educational Office,
Kumbakonam Educational District,
Kumbakonam,
Thanjavur District.

Order made in
W.P.(MD) No.5446 of 2020

16.03.2020

NR (27.05.2020) 3P 2C