

IN The HIGH COURT OF JUDICATURE AT MADRAS
DATED: 11.03.2021

CORAM:

The HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.6243 of 2021

L.Margabandu

... Petitioner

-vs-

1.The Chief Educational Officer,
Vellore District,
Vellore.

2.The Block Educational Officer-I,
Katpadi Union, Katpadi,
Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second respondent to dispose of the petitioner's representation dated 27.10.2020, which was given seeking for the payment of arrears of the difference amount of earned leave and unearned leave on private affairs on the basis of the pay of Rs.10,750/- and working period arrears with reference to the re-fixation already done, on merits within a time frame stipulated by this Court.

For Petitioner : Mr.A.S.Kaizer

For Respondents: Mr.P.Raja,
Government Advocate

O R D E R

This Writ petition is filed, seeking a direction to the second respondent to dispose of the petitioner's representation dated 27.10.2020 seeking payment of arrears of the difference amount of earned leave and unearned leave on private affairs on the basis of the pay of Rs.10,750/- and working period arrears with reference to the re-fixation already done, on merits within a time frame stipulated by this Court.

2.Mr.P.Raja, learned Government Advocate takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. It is the case of the petitioner that he was appointed as a Secondary Grade Assistant Teacher on 01.10.1969 and retired from service as Middle School Headmaster after attaining the age of superannuation on 30.11.2011. As the Government issued G.O. Ms. No.210 School Education (G1) Department, dated 14.08.2009, extending the benefit of entire services served as Secondary Grade Assistant Teacher and Elementary School Headmaster, the petitioner filed a writ petition in W.P. No.12370 of 2015 before this Court to extend the benefits in the light of the said G.O. and the same was allowed on 28.04.2015. It is the grievance of the petitioner that pursuant to the said order dated 28.04.2015, the the difference amount of earned leave and unearned leave on private affairs on the basis of the pay of Rs.10,750/- and working period arrears with reference to re-fixation have not been paid to the petitioner by the Block Educational Officer, the second respondent herein. In this regard,, the petitioner sent several representations including the representation dated 27.10.2020 to the second respondent. As there is no reply for the representation, the petitioner is before this Court by filing the present Writ Petition, seeking the aforesaid relief.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's proposal is already pending with the second respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the second respondent herein to consider the proposal preferred by the petitioner dated 27.10.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 90 days from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 2nd respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 27.10.2020 and this order, to the 2nd respondent forthwith;

v) The 2nd respondent is directed to communicate the decision taken on the representation to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vum

To

1.The Chief Educational Officer,
Vellore District,
Vellore.

2.The Block Educational Officer-I,
Katpadi Union, Katpadi,
Vellore District.

+1cc to Mr.A.S.Kaizer , Advocate SR.No. 16051

+1 cc to Government Pleader Sr.No. 15844

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A.SK(09.04.2021)

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