

IN The HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2021

CORAM:

The HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7341 of 2021

L.Vijaya

...Petitioner

-vs-

1. The Chief Educational Officer,
Government Higher Secondary School,
Railway Station Road,
Ranipet 632 401,
Ranipet.
 2. The District Educational Officer,
Ranipet.
 3. The Block Education Officer,
Nemili Division,
Arakkonam Taluk,
Ranipettai District.
-Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent, i.e., Chief Educational Officer, Government Higher Secondary School, Railway Station Road, Ranipet 632401, Ranipet, to consider the representation dated 30.01.2021 given by the petitioner and to pay all the attended benefits pertaining to (Late) D.Lawrance Sureshkumar, husband of the petitioner.

For Petitioner : Mr.G.Saravanakumar

For Respondents : Mr.P.Raja,

Government Advocate for R1 to R3

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O R D E R

This Writ petition is filed, seeking a direction to the 1st respondent, the Chief Educational Officer, Government Higher Secondary School, Railway Station Road, Ranipet 632401, Ranipet, to consider the representation dated 30.01.2021 given by the petitioner and consequent direction to pay all the attended benefits pertaining to (Late) D.Lawrance Sureshkumar, husband of the petitioner.

2. Mr.P.Raja, learned Government Advocate takes notice for Respondents 1 to 3. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. It is represented that the nomenclature of the 3rd respondent has been wrongly typed as Block Development Officer, Nemili Division, Arakkonam Taluk, Ranipettai District instead of Block Educational Officer, Nemili Division, Arakkonam Taluk, Ranipettai District. Hence, this Court suo moto corrected the said typographical error.

4. It is the case of the petitioner that the petitioner who is the wife of the deceased employee, who died on 14.07.2020, seeks a direction to pay all the attended benefits pertaining to (Late) D.Lawrance Sureshkumar, husband of the petitioner by considering the representation made by the petitioner on 30.01.2021. As there was no response on the representation, the petitioner is before this Court seeking the above prayer.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the 1st respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 1st respondent herein to consider the representation preferred by the petitioner dated 30.01.2021, 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 120 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 1st 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 30.01.2021 and this order, to the 1st respondent forthwith;

v) The 1st 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(CCC)

//True Copy//

Sub Assistant Registrar

vum

To

1. The Chief Educational Officer,
Government Higher Secondary School,
Railway Station Road,
Ranipet 632 401,
Ranipet.
2. The District Educational Officer,
Ranipet.
3. The Block Education Officer,
Nemili Division,
Arakkonam Taluk,
Ranipettai District.

+1cc to Mr.G.Saravanakumar, Advocate, S.R.No.18363

GPL(CO)
SP/02/06/2021

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