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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.346 of 2016

S.K.Ponnusamy

... Petitioner

-Vs-

1. The Government of Tamil Nadu,
Rep. by the Principal Secretary
to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai 600 009.
2. The Director of School Education,
College Road, Nungambakkam,
Chennai 600 006.
3. The Chief Educational Officer,
Erode, Erode District.
4. The District Educational Officer,
Erode, Erode District.
5. The Head Master,
Government Higher Secondary
School,
Mylampadi, Bhavani Taluk,
Erode District 638 314.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, direct the Respondents herein to award pay protection in the category of B.T.Grade Middle School Head Master with effect from the date of absorption 12.07.1967 to the date of retirement 31.08.1996 in the light of the Government Letter issued by Special Commissioner and Secretary to the Government, School Education Department in Government Letter No.76967/M1/88, dated 15.06.1988 and award Special Grade Middle School Head Master Pay scale w.e.f. 01.06.1988 and the consequential benefits including revision of pension.

For Petitioner : Mr.K.Thennan



For Respondents : Ms.P.Raja Rajeswari,
Government Advocate

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ORDER

The petitioner herein had given a representation to the respondents on 07.01.2015 to award pay protection in the category of B.T. Grade Middle School Head Master with effect from the date of absorption, i.e., 12.07.1967 till the date of his retirement, i.e., 31.08.1996. Since the said representation was not considered, the present writ petition has been filed.

2. It is needless to point out that whenever a representation of this nature are made to a Statutory Authority, 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

3. Since the representation given by the petitioner dates back to the year 2015, it would be appropriate that the petitioner be granted liberty to give a fresh representation, with a consequential direction to the respondents to consider the same.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents ventilating his grievances, as expeditiously as possible. On receipt of the representation, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of the representation.

5. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

ata/hvk



To

1. The Principal Secretary,
School Education Department,
Secretariat, Fort St.George,
Chennai 600 009.
2. The Director of School Education,
College Road, Nungambakkam,
Chennai 600 006.
3. The Chief Educational Officer,
Erode, Erode District.
4. The District Educational Officer,
Erode, Erode District.
5. The Head Master,
Government Higher Secondary School,
Mylampadi, Bhavani Taluk,
Erode District 638 314.

+1cc to Mr.K.Thennan, Advocate, S.R.No.

+1cc to the Government Pleader, S.R.No.67421

W.P.No.346 of 2016

RSV(CO)
SU(29/12/2021)