



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 23.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.13835 of 2020 and
W.M.P.No.17201 of 2020

G.Revathi

...Petitioner

Vs

1. The Director of School Education,
College Road, Nungambakkam,
Chennai - 600 006.
2. The Chief Educational Officer,
Villupuram - 605 602.
3. The District Educational Officer,
Gingee,
(Succeeding DEO Tindivanam)
Gingee.

...Respondents

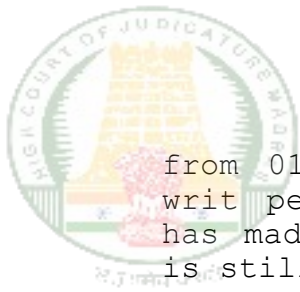
PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to dispose of the petitioners representation dated 07.06.2020 in accordance with law and consequently direct them to pay her the arrears of subsistence allowance for the period from 01.02.2013 to 30.06.2015 being the date of superannuation and also to pay her provisional pension every month commencing from 01.07.2015 until the passing of the final order in both the Rule 17(b) charges issued under Tamil Nadu Civil Service (Discipline and Appeal) Rules dated 17.08.2011 and 31.01.2014.

For Petitioner : Mrs.M.Backialakshmi
For Respondents : Mr.Tippu Sultan

O R D E R

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

2. Since the petitioner's request to disburse the petitioner's arrears of subsistence allowance for the period



from 01.02.2013 to 30.06.2015 was not considered, the present writ petition has been filed. According to the petitioner, he has made a representation in this regard on 07.06.2020, which is still pending.

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3. It is needless to point out that whenever a representation of this nature is 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.

4. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representation dated 07.06.2020 within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the first respondent to consider the petitioner's representation dated 07.06.2020 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

KST

To

1. The Director of School Education,
College Road, Nungambakkam,
Chennai - 600 006.



2. The Chief Educational Officer,
Villupuram - 605 602.

3. The District Educational Officer,
Gingee, (Succeeding DEO Tindivanam)
Gingee.

+2 CC to Ms.M.Backiyalakshmi, Advocate, Sr 35193.

+1 CC to The Government Pleader, Sr 35596.

W.P.No.13835 of 2020

PCH(CO)
LS(23/08/2021)