



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. [MD]No.5723 of 2021

I.Privin

... Petitioner

Vs.

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

2.The Headmaster,
Government Girls Higher Secondary School,
Kovilpatti,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to sanction Special Allowance of Rs.750/- in the personal pay, notionally with effect from 01.01.2006 with all monetary benefits from the period between 01.01.2006 to 28.10.2007, as per G.O.Ms.No.270 Finance (Pay Cell) Department dated 26.08.2010 and G.O.No.23 Finance (Pay Cell) Department dated 12.01.2011 on the basis of the petitioner's representation dated 03.02.2021 within the time stipulated by this Court.

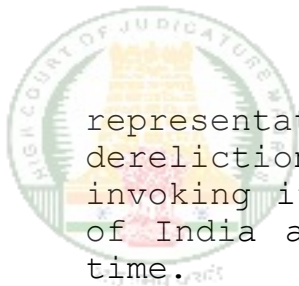
For Petitioner	: Mr.P.M.Vishnuvarthanan
For Respondents	: Mr.A.Thiyagarajan, Government Advocate.

O R D E R

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

2. Since the petitioner's request to the respondents to sanction Special Allowance of Rs.750/- in the personal pay, notionally with effect from 01.01.2006 with all monetary benefits for the period between 01.01.2006 to 28.10.2007, as per G.O.Ms.No.270 Finance (Pay Cell) Department dated 26.08.2010 and G.O.No.23 Finance (Pay Cell) Department dated 12.01.2011 was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 03.02.2021, which is still pending.

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.

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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 03.02.2021, 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 view 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 representation dated 03.02.2021, on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.
- 2.The Headmaster,
Government Girls Higher Secondary School,
Kovilpatti,
Thoothukudi District.



+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-11351[F] dated 16/03/2021)

+1 CC to M/s.SPL GP (SR-11542[F] dated 16/03/2021)

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NA (CO)

KB (09.04.2021) 3P 5C