



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.17974 of 2019

and

W.M.P.(MD) No.14435 of 2019

P.Christurajan,
B.T.Assistant (History),
The Salvation Army Higher Secondary School,
Vetturnimadam, Nagercoil,
Kanyakumari District.

... Petitioner

vs.

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

2. The Chief Educational Officer,
O/o. the Chief Educational Office,
Kanyakumari, Kanyakumari District.

3. The District Educational Officer,
O/o. The District Educational Office,
Nagercoil, Kanyakumari District.

4. The Correspondent,
The Salvation Army Higher Secondary School,
Vetturnimadam, Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to pay arrears of salary in the cadre of B.T. Assistant with effect from 10.06.2013 in the light of approval granted by the third respondent in his proceedings in ப.மு.எண்.4151/அ2/2016 dated 03.08.2016 and in the light of pay fixation order passed by the third respondent in his proceedings in மு.மு.எண்.5743/அ2/2016 dated 17.03.2017 and by considering the petitioner's representation dated 11.01.2018 within the period that may be stipulated by this Court.



For Petitioner : Mr.C.Venkatesh Kumar
for M/s. Ajmal Associates

For R-1 to R-3 : Mr.A.Thiyagarajan
Government Advocate

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O R D E R

Heard Mr.C.Venkatesh Kumar, learned counsel, representing M/s. Ajmal Associates for the petitioner and Mr.A.Thiyagarajan, learned Government Advocate for the respondents 1 to 3.

2. Since the petitioner's request to the respondents to pay arrears of salary in the cadre of B.T. Assistant with effect from 10.06.2013 in the light of approval granted by the third respondent in his proceedings in ப.மு.எண்.4151 /அ2 /2016 dated 03.08.2016 and in the light of pay fixation order passed by the third respondent in his proceedings in மு.மு.எண்.5743 /அ2 / 2016 dated 17.03.2017 was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 11.01.2018 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.

4. In the light of the above observations, it would be appropriate to direct the respondents herein to consider the petitioner's representation dated 11.01.2018, 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 respondents to consider the petitioner's representation dated 11.01.2018, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

To

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

2. The Chief Educational Officer,
O/o. the Chief Educational Office,
Kanyakumari, Kanyakumari District.

3. The District Educational Officer,
O/o. The District Educational Office,
Nagercoil, Kanyakumari District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-4548[F] dated
11/02/2021)

+1 CC to SGP (SR-4940[F] dated 15/02/2021)

Order made in
W.P. (MD) No.17974 of 2019
and
W.M.P. (MD) No.14435 of 2019
Dated :
10.02.2021

KM (23.02.2021) 3P 6C