



WP(MD)No.16708 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.08.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.16708 of 2021

S.Hendry Joseph

... Petitioner

/vs./

- 1.The Director of Elementary Education,
College Road, Chennai.
- 2.The District Elementary Education Officer,
Trichy.
- 3.The Assistant Elementary Education Officer,
Manikandam, Trichy.
- 4.The Correspondent,
St. Joseph Middle School,
Punganur, Trichy-620009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 4th respondent (school) herein to pay the terminal benefits like pension, gratuity and provident fund forth with along with 18 percent interest from the date of the order till the disposal of the monetary benefits.



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For Petitioner : Mr.P.Balasubramaniyan

For Respondents : Mr.A.Kannan

Additional Government Pleader (for R1 to R3)

Mr.M.Mohamed Suhail

for M/s.Ajmal Associates (for R4)

ORDER

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

2.The petitioner herein had given representations to the respondents on 04.05.2021, seeking for arrears of salary, payment of the terminal benefits like pension, gratuity and provident fund, together with interest at the rate of 18 percent. Since the said representation was not considered, the present writ petition has been filed.

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-



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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, there shall be a direction to the fourth respondent herein to consider the petitioner's representation dated 04.05.2021, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order. 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. With the above direction, the Writ Petition stands disposed of. No costs.

29.08.2022

Index : Yes / No

Internet : Yes / No

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M.S.RAMESH, J.

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