



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.17486 of 2022

PL.Alagappan

... Petitioner

/vs./

1. The State of Tamil Nadu,
rep., by its Secretary,
Department of School Education,
Fort St.George, Chennai 600 006.
2. The Commissioner of School Education,
College Road, Chennai 600 006.
3. The Accountant General,
Office of the Accountant General,
261, Anna Salai, Chennai 600 018.
4. The Chief Educational Officer,
Pudukottai, Pudukottai District.
5. The District Educational Officer,
Pudukottai, Pudukottai District.
6. The Headmaster,
Government Girls Higher Secondary School,
P.Alagapuri-630 205,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to revise and sanction forthwith the arrears of salary w.e.f., 01.03.2017 along revised Gratuity and Commutation of Pension and to pay forthwith the arrears of revised differential salary for the period of reemployment from 01.03.2020 to 31.05.2020 by considering the representation dated 23.05.2022 and 29.06.2022.



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For Petitioner : M/s.A.Amala
For Respondents : Mr.A.Kannan
Additional Government Pleader
(For R1, R2, R4 to R6)
Mrs.Mahalakshmi
Standing Counsel (for R3)

ORDER

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

2.The petitioner herein had given a representation to the respondents on 23.05.2022 seeking to revise and sanction the arrears of his salary w.e.f., 01.03.2017 along with revised Gratuity and Commutation of Pension and to pay forthwith the arrears of revised differential salary for the period of reemployment from 01.03.2020 to 31.05.2020. 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-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 respondents 3 to 6 herein to consider the petitioner's representation dated 23.05.2022 on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months 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 respondents to consider the same on its own merits.



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

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// True Copy //

Sd/-
Assistant Registrar(Admn.I)

/ /2022
Sub Assistant Registrar(CS)

Rmk

To

1. The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai 600 006.
 2. The Commissioner of School Education,
College Road, Chennai 600 006.
 3. The Chief Educational Officer,
Pudukottai, Pudukottai District.
 4. The District Educational Officer,
Pudukottai, Pudukottai District.
 5. The Headmaster,
Government Girls Higher Secondary School,
P.Alagapuri-630 205,
Pudukottai District.
- +1 CC to M/s.SPL.GOVERNMENT PLEADER
(SR-36328[F] dated 05/08/2022)
- +1 CC to M/s.A.AMALA, Advocate (SR-36554[F] dated 08/08/2022)

Order made in
W.P.(MD) No.17486 of 2022
04.08.2022

SP/24/08/2022/3P/8C

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