



W.P. No. 12168 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 12168 of 2023

M.Venkatesan

... Petitioner

-VS-

1. The Chief Educational Officer
Salem, Salem District.
2. The District Educational Officer
Salem, Salem District.
3. The Head Master
Government Boys Higher Secondary School
Valapadi
Valapadi Taluk
Salem District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to pass an order treating the leave and absence period of 203 days as duty and pay the salary for the same and consequently direct the Respondents to sanction and pay the annual increment to the Petitioner by considering his representation dated 21.12.2020.



W.P. No. 12168 of 2023

WEB COPY

For Petitioner : Mr. M.Elango
For Respondents : Mr. S.Rajesh
Government Advocate

ORDER

Heard Mr. M.Elango, Learned Counsel for the Petitioner and Mr. S.Rajesh, Learned Government Advocate, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that he had made a representation dated 21.12.2020 to the Third Respondent to treat his absence period of 203 days as duty and pay salary for the same and to consequently direct the Respondents to sanction and pay the annual increment to him, but as it did not evoke any response, he has filed this Writ Petition.

3. Having regard to the limited scope of the relief sought in the Writ Petition, this Court without expressing any view on the merits of controversy involved, passes the following order:-



W.P. No. 12168 of 2023

- (i) the concerned authority shall immediately examine the representation dated 21.12.2020 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.08.2023 under written acknowledgment;
- (v) if the Petitioner is found entitled to any monetary benefits, the same shall be paid along with working-sheet showing its calculation within a period of three months from the date of passing of that order; and
- (vi) the report of such compliance shall be filed before the Registrar (Judicial) of this Court.



W.P. No. 12168 of 2023

In the result, the Writ Petition is disposed on the aforesaid terms.

No costs.

21.04.2023

Maya

Index: Yes/No

NCS: Yes/No

Note: Issue order copy by 06.06.2023.

To

1. The Chief Educational Officer
Salem, Salem District.
2. The District Educational Officer
Salem, Salem District.
3. The Head Master
Government Boys Higher Secondary School
Valapadi
Valapadi Taluk
Salem District.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



WEB COPY



W.P. No. 12168 of 2023

P.D. AUDIKESAVALU, J.

Maya

W.P. No. 12168 of 2023

21.04.2023