



WP.(MD).No.4215 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 22.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.4215 of 2024

M.John Marshal

... Petitioner

Vs.

1.The Chief Educational Officer,
O/o. The Chief Educational Office,
Ramanathapuram,
Ramanathapuram District.

2.The District Educational Officer,
O/o. The District Educational Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Head Master,
Government Higher Secondary School,
Pottagavayal,
Ramanathapuram District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay the retirement benefits and other monetary benefits to the petitioner by considering the petitioner's representation dated 09.02.2024.



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For Petitioner

: Mr.Nawas Khan

For M/s.Ajmal Associates

For Respondents

: Mr.M.Sarangan

Additional Government Pleader

ORDER

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

2.This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the respondents to pay the retirement benefits and other monetary benefits to the petitioner by considering the petitioner's representation dated 09.02.2024.

3.The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner was appointed as a BT Assistant (Science) at Panchayat Union Middle School, Thenelaipakkam, Tiruvanamalai District on 02.01.2009. After serving in various places, he was transferred to Government Higher Secondary School, Pottagavayal, Ramanathapuram District, the third respondent herein on 15.03.2022. On attaining the age of superannuation on 31.07.2022, the petitioner was retired from service. However, the terminal



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benefits were not given to him. Hence, the petitioner made a representation to the respondents on 06.12.2023 requesting to release his terminal benefits. The first respondent has recommended the case of the petitioner to the third respondent vide his proceedings dated 05.01.2024. Despite the same, it was not acted upon. Hence, the petitioner made a representation to the third respondent on 09.02.2024 in this regard and the same was not considered. Hence, this Writ Petition came to be filed.

4.Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents and carefully perused the entire materials available on record.

5.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 respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in



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invoking the extraordinary powers under Article 226 of the Constitution of India.

6.In view of the same, without going into merits of the case, this Court hereby direct the respondents to consider the representation of the petitioner dated 09.02.2024 and to pass appropriate orders in accordance with law within a period of 12 weeks from the date of receipt of copy of this order.

7.In view of the above, this Writ Petition stands disposed of. There shall be no order as to costs.

22.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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L.VICTORIA GOWRI, J.

Mrn

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