



*W.P.(MD)No.22403 of 2021*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**Dated : 30.07.2024**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.22403 of 2021**

G.Jeyaraj

... Petitioner

Vs.

1.The District Educational Officer,  
Melur,  
Madurai District.

2.The Block Educational Officer,  
Aanaiyur,  
Madurai District.

3.The Correspondent,  
St.Joseph Middle School,  
Samayanallur,  
Madurai 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 subsistence allowance payable to him from 25.02.1999 to 08.04.1999 and the arrears of salary from 08.04.199 to 26.06.2002 along with the encashment of leave salary in total a sum of Rs.5,08,497/- and provident fund amount payable to him along with the interest at the rate of 18% per annum by considering his representation dated 17.11.2021.



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For Petitioner : Mr.S.C.Herold Singh  
For Respondents 1 and 2 : Mr.M.Saragan  
Additional Government Pleader  
For 3<sup>rd</sup> Respondent : No Appearance

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### **ORDER**

This Writ Petition has been filed, to direct the respondents to pay the subsistence allowance payable to him from 25.02.1999 to 08.04.1999 and the arrears of salary from 08.04.1999 to 26.06.2002 along with the encashment of leave salary in total a sum of Rs.5,08,497/- and provident fund amount payable to him along with the interest at the rate of 18% per annum by considering his representation dated 17.11.2021.

2.The facts, which lead to the filing of the Writ Petition in brief is as follows:-

The petitioner was appointed by the third respondent as a Secondary Grade Teacher on 24.01.1972. In view of the criminal case which came to be registered against him in Crime No.11 of 1999, which culminated in C.C.No. 398 of 2002, on the file of the learned Judicial Magistrate, Madurai, he was suspended from service, by the order of the third respondent, dated 25.02.1999. Though he was entitled to receive subsistence allowance, he was not paid with the same. Thereafter, the suspension came to be revoked on 08.04.1999 and he



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joined in service on 09.04.1999 and he was permitted to retire on attaining age of superannuation on 20.06.2002. Though he was disbursed with pensionary benefits, the period of suspension was not regularised. Hence, he made a representation dated 17.11.2021, to the respondents in this regard. However, the same was not considered. Hence, the Writ Petition came to be filed.

3.Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1 and 2 and carefully perused the materials available on record.

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

5.In view of the above, this Court hereby direct the third respondent to consider the representation of the petitioner dated 17.11.2021 and forward the



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proposal in this regard to the first respondent. The first respondent on receipt of the same, is directed to pass appropriate order in accordance with law within a period of 16 weeks from the date of receipt of copy of this order.

6. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs.

**30.07.2024**

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



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To

- 1.The District Educational Officer,  
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- 2.The Block Educational Officer,  
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**L.VICTORIA GOWRI, J.**

Mrn

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