



W.P.(MD)No.18125 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.18125 of 2025

C.Christober Thangaraj

... Petitioner

-VS-

1.The Chief Educational Officer,
Kanyakumari District.

2.The Headmaster,
Government Higher Secondary School,
Agasteeswaram - 629 701,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to consider and pass orders on the petitioner's representation dated 17.01.2025, seeking to re-calculate the earned leave and to disburse monetary benefits for 35 days earned leave as per Rule 9 (a) of Tamil Nadu Leave Rules, within a reasonable time stipulated by this Court.

For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.M.Siddharthan
Additional Government Pleader



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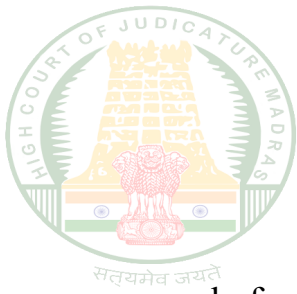
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ORDER

This Writ Petition has been filed seeking a direction to the first respondent to consider and pass orders on the petitioner's representation dated 17.01.2025, seeking recalculation of earned leave and disbursement of monetary benefits for 35 days of earned leave in accordance with Rule 9(a) of the Tamil Nadu Leave Rules, within a time frame to be fixed by this Court.

2. By consent, this Writ Petition is disposed of, at the admission stage itself.

3. According to the petitioner, he was appointed as a 'Vocational Instructor' on 25.07.1986 and retired from service on 30.04.2024. The second respondent while sanctioning the encashment of petitioner's earned leave credit, has wrongly treated medical leaves with salary as earned leave and deducted 35 days from his earned leave credit. The petitioner submitted representations seeking correction of this error and monetary benefits for the wrongly deducted earned leave days. Despite the first respondent's clarification dated 04.01.2024, based on a Government Letter dated 23.12.2019, which permits recalculation of earned leave



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only from the date of the letter, the petitioner contends that the said letter does not restrict his claim to such period and that medical leave with salary should not reduce earned leave credits. The petitioner's representation dated 17.01.2025 remains pending without any orders, compelling the petitioner to file the present Writ Petition seeking appropriate relief.

4. Heard both sides.

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 him 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 the Constitution of India and direct them to consider the same within a stipulated time.



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6. In the light of the above observations, there shall be a direction to the first respondent to consider the petitioner's representation dated 17.01.2025, on its own merits and pass appropriate orders in accordance with law, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

7. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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To:-

04.07.2025

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VIVEK KUMAR SINGH, J.

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