

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.5924 of 1997

C.Jessintha

... Petitioner

- Vs -

1. The State of Tamil Nadu,
Rep. by its Secretary,
Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Technical Education,
Chennai - 600 025.
3. The Management of
Arulmighu Palaniandavar Women's Polytechnic,
Palani - 624 601.

... Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to grant annual increment from October 1989 to till date in the scale of pay of 2200-75-2800-100-4000 and (ii) to grant selection grade librarian scale of 3000-100-125-5000 from 13.09.1992 to the petitioner herein with all monetary benefits in accordance with G.O.Ms.No.841, dated 06.09.1993 of Education Department read with letter No.1278/A3/90-2, dated 15.04.1991 of Additional Director of Technical Education, Madras.

For Petitioner : Mr.V.Ajoy Khose

For Respondents 1 & 2 : Mr.V.Subbiah
Special Government Pleader

For Respondent 3 : Mr.M.Sriram

O R D E R

The petitioner is a B.A.(Tamil) and B.Lib degree holder and she was appointed as a Librarian by the third respondent polytechnic by an order dated 08.09.1992 in the scale of pay of Rs.500-20-700-25-900 and according to the petitioner, the third respondent institution is an aided institution receiving 100% aid from the Government of Tamil Nadu. The services of the petitioner was regularised by the second respondent by an order dated 13.02.1987. During the year 1984, she has passed M.A.(Tamil) from Madurai Kamarajar University and also Master of Library and Information Science from the Madras University in January, 1996. The petitioner would state that her scale of pay was revised to Rs.1740-60-2700-EB75-3000 with effect from 01.01.1986, which was further revised to Rs.2200-75-2800-100-4000 and basic pay was fixed at Rs.2200/- and the said revision was done in accordance with G.O.Ms.No.392, Education Department, dated 16.04.1985.

2. It is the specific claim of the petitioner that she fulfilled the prescribed qualifications by obtaining Master degree in Library science during the year 1996 and in spite of the same, she has not been given her annual increment. The petitioner in this regard, submitted several representations and no orders have been passed. The learned counsel appearing for the petitioner would contend that the petitioner on completion of 10 years of service, should be granted selection grade benefit by fixing the scale at Rs.3000-100-3500-125-5000 from 13.09.1992 and pending this writ petition she has reached the special grade of pay and the same should also be conferred on her.

3. Mr.V.Subbiah, learned Special Government Pleader representing respondents 1 and 2 would submit that the claim of the petitioner is squarely covered by G.O.Ms.No.841, Education Department, dated 06.09.1993 and appropriate direction may be given to the official respondents to follow the said G.O. and pass orders accordingly.

4. Mr.M.Sriram, learned counsel for the third respondent has invited the attention of this Court to the counter affidavit and would submit that the annual increment due to the petitioner could be sanctioned only on receipt of the orders from respondents 1 and 2 and though the third respondent has written several letters, in this regard, to the respondents 1 and 2, no orders have been passed.

5. This Court has carefully considered the rival submissions and perused the materials placed before it.

6. A perusal of the materials would disclose that the petitioner has prima facie satisfied all the conditions and that the third respondent has made positive recommendation to the respondents 1 and 2 but they did not pass any orders. It is also submitted by the learned Special Government Pleader appearing for the respondents 1 and 2 that the case of the petitioner is squarely covered by G.O.Ms.No.841, Education Department, dated 06.09.1993.

7. In the light of the said stand taken by the learned Special Government Pleader, this Court directs the respondents 1 and 2 to consider the claim of the petitioner with regard to sanction of annual increment conferring upon her Selection Grade as well as Special Grade scale of pay in the light of G.O.Ms.No.841, Education Department, dated 06.09.1993 and pass orders as expeditiously as possible, not later than eight weeks, from the date of receipt of a copy of this letter and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

kk
To

Sub Assistant Registrar

1. The Secretary to Government,
Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Technical Education,
Chennai - 600 025.
3. The Management of
Arulmighu Palaniandavar Women's Polytechnic,
Palani - 624 601.

+1cc to Mr.V.Ajay Khose, Advocate, S.R.No.43173
+1cc to Mr.M.Sriram, Advocate, S.R.No.43301
+1cc to the Government Pleader, S.R.No.43455

W.P.No.5924 of 1997

TEJ(CO)
CA(26/08/2015)