

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.25500 of 2015

P.Annamalai

.. Petitioner

vs

The Headmaster
Government Tribal Residential
Higher Secondary School
Karunmanthurai
Salem District 636 138

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to pay the arrears of pay and other allowances to the petitioner as the proceedings of the respondent in Na.Ka.No.10/2011 dated 1.7.2011, and Special Provident Fund amount due to the petitioner with interest for the belated payment.

For Petitioner : Mr.P.Rajendran
For Respondent : Mr.S.Gunasekaran
Government Advocate

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that he was appointed as a Night Watchman on 22.9.1975, and his services were regularised with effect from that date and while working at the Government Tribal Residential School, Thekkampattu, Attur Taluk, Salem District, he was unable to attend duty on account of mental illness, and after recovery, submitted an application on 26.2.1996, praying for posting orders and he was called upon to appear and on his appearance, he submitted his explanation and thereafter, nothing had happened so far and therefore, he filed O.A.No.6410/1998, on the file of the Tamil Nadu Administrative Tribunal, praying for appropriate orders directing the authority to issue posting orders and the Tribunal has disposed of the said Original Application vide order dated 12.8.1998, directing the District Adi Dravidar Welfare Officer, Salem to consider the petitioner's representation dated 13.9.1997, and pass orders in accordance with law, within a stipulated time.

3.The petitioner would further state that he was issued with a Charge Memo on 7.10.1998, under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and pendency of the Disciplinary Proceedings, an order was issued on 4.11.1998, posting him at Government Tribal Residential Primary School, Karumanthurai, Attur Taluk, Salem District, and he joined in the said post and also submitted his explanation to the charge memo. It is further stated by the petitioner that though he has attained the age of superannuation on 30.6.2000, he was not permitted to retire and aggrieved by the same, filed O.A.No.3970/2001, before the Tamil Nadu Administrative Tribunal and interim order was also granted in his favour and the District Adi Dravidar Welfare Officer, Salem, has issued an order dated 11.12.2006, regularising his services and in spite of regularising the period of absence, no orders have been passed permitting the petitioner to retire from service with effect from 30.6.2000, and it was also followed by a representation and since no response is forthcoming, the petitioner filed W.P.No.8697/2010, praying for appropriate orders and pendency of the writ petition, the petitioner was allowed to retire from service with effect from 30.6.2000, and vide order dated 1.7.2011, pay fixation and revision of pay was also granted and though it has been indicated therein, that the petitioner is eligible to get arrears of pay with effect from 22.9.1975, he has not been paid so and in this regard, he has submitted a representation dated 9.2.2012, and it was also acknowledged on 10.2.2012, and since no orders have been passed, he came forward to file this writ petition.

4.Heard the submissions of the learned Counsel appearing for the petitioner, and Mr.S.Gunasekaran, learned Government Advocate, who accepted notice on behalf of the respondent.

5.Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances, permits the petitioner to submit one more representation to the respondent by enclosing a copy of this order as well as copies of his earlier representation dated 9.2.2012, and the proceedings of the respondent dated 1.7.2011, made in Na.No.10/2011, within a period of two weeks from the date of receipt of a copy of this order and the respondent, on receipt of the same, is directed to consider it on merits and in accordance with law, and pass orders thereon within a period of eight weeks thereafter and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.
nsv

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To:

The Headmaster
Government Tribal Residential
Higher Secondary School
Karunmanthurai
Salem District 636 138

+ 1 cc to Government Pleader SR 43603

vsn(co)
prk1/9

W.P.No.25500 of 2015



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