

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27429 of 2015

K.Praveena

... Petitioner

v.

- 1 Government of Tamil Nadu
Rep. by its Principal Secretary
School Education Department
Fort St. George, Chennai - 600 009.
 - 2 The Director of Elementary Education
College Road, Chennai- 600 006
 - 3 The District Elementary Educational Officer
Dharmapuri, Dharmapuri District.
 - 4 The Assistant Elementary Educational Officer
Pappireddipatti Union
Pin Code - 636 905
Dharmapuri District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 22-07-2015 for extending the benefit of payment of Special Allowance in the cadre of B.T. Assistant and to pass orders thereon on merits within a time limit that may be specified by this Honourable Court.

For Petitioner : Mr.S.Vijayan

For Respondents: Mr.V.Subbiah,
Spl. Govt. Pleader - for R1 to R4

O R D E R

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

2. The petitioner was appointed as Secondary Grade Teacher through Employment Exchange by the proceedings of the third

respondent dated 11.01.2002 and posted at Panchayat Union Middle School, Thurujialli, Morrapur Union, Dharmapuri District and subsequently promoted as B.T. Assistant (English) on 16.8.2010. The petitioner would further state that as per G.O.Ms.No.270, Finance Department dated 26.08.2010, the Government examined the recommendations made by One Man Commission and raised the scale of pay as follows:-

S.No.	Name of the Posts	Existing scale of pay + Grade Pay	Revised Scale fo Pay + Grade Pay
		Rs.	Rs.
(1)	(2)	(3)	(4)
1	Music Mistress	5200-20200+ 2400	5200-20200+2800 +Special Allowance of Rs.500/- p.m.
2	Training Instructor (formerly Motor Mechanic and Senior Mechanic)	5200-20200 + 2400	9300-34800 + 4400

2. The revision of scale of pay ordered in para 1 above shall take notional effect from 01.01.2006 for the purpose of fixation of pay in the revised scale of pay and with monetary benefit from 1.8.2010. The Special Allowance sanctioned in para-1 above shall take effect from 1.8.2010. Thereafter, the Government issued G.O.Ms.No.23, Finance Department, dated 12.01.2011, wherein Special Allowance of Rs.500/- was ordered to be enhanced to Rs.750/- mainly to avoid further anomalies in the pay fixation and a cut of date was indicated for disbursement of the Special Allowance as 01.01.2011. According to the petitioner, there was no clarification as to the eligibility to get special allowance for those who were given promotion much before the cut off. The petitioner was paid with a a sum of Rs.500/- towards Special Allowance from 1.8.2010 to 15.8.2010 on the basis of G.O.Ms.No.270, dated 26.8.2010. However, after promotion posted as B.T. Assistant from 16.8.2010, she was not paid any Special Allowance from September 2010 and in this regard, she has submitted a representation dated 22.07.2015 to the respondents. Since no orders have been passed, came forward to file this writ petition.

3. Heard the submissions of learned counsel for the petitioner, Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 4.

4 This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the case, directs the second respondent to consider and dispose of the petitioner's representation dated 22.07.2015 and

pass orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

This Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

Rj

To

- 1 The Principal Secretary
School Education Department
Fort St. George, Chennai - 600 009.
- 2 The Director of Elementary Education
College Road, Chennai- 600 006
- 3 The District Elementary Educational Officer
Dharmapuri, Dharmapuri District.
- 4 The Assistant Elementary Educational Officer
Pappireddipatti Union
Pin Code - 636 905
Dharmapuri District.

+1 cc to M/s.S.Vijayan, Advocate, sr.46999
+1 cc to The Government Pleader, sr.47661.

सत्यमेव जयते

W.P.No.27429 of 2015

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