

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-09-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.28243 of 2015

T.Ganesan

.. Petitioner

VS

- 1.The Government of Tamil Nadu
Rep. By its Secretary to
Government
School Education Department
Secretariat, Fort St. George
Chennai 9
 - 2.The Director of School Education
College Road, Chennai 6.
 - 3.The Chief Educational Officer
Vellore District, Vellore.
 - 4.The Accountant General
Office of the Principal Accountant
General (Accounts and
Entitlements) Tamil Nadu
No.361, Anna Salai, Chennai 18.
- ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to include the petitioner's name in the list annexed to G.O.Ms.No.69 dated 18.4.2013, as per the petitioner's representation dated 8.6.2015.

For Petitioner : Mr.M.Thamizhavel

For Respondents : Mr.N.Srinivasan
Additional Government Pleader
for RR1 to 3

ORDER

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

2.The petitioner would state that he was appointed as a Physical Educational Teacher at Boys' High School at Gingee, on 24.7.1963, and the scale of pay was fixed at Rs.90/90-4-110-3-140 and was given Selection Grade on 1.4.1974, and his scale of pay was fixed at Rs.250/250-10-400 and he was further conferred with the Special Grade on 24.7.1983, and his scale of pay was fixed as Rs.1025/780-35-1025-40-1385 and at the time of his superannuation on 31.7.1998, he was drawing the scale of pay of Rs.7300/5900-200-9900.

3.The claim made by the petitioner, is that since he was working in the Government High Schools and Higher Secondary Schools till his retirement, he was not given any promotion and if he had worked in the Primary Schools, he would have become eligible for promotion and in this regard, the Government passed G.O.Ms.No.216, Finance (Pay Commission) Department, dated 22.3.1993, and the petitioner has approached the first respondent to extend the benefit of the said G.O., and since it has not been considered, has filed W.P.No.9109 of 2011 seeking a direction to the first respondent to re-fix his scale of pay at Rs.2000-60-2300-75-3200 with effect from 1.6.1988, and this Court vide order dated 18.4.2011, directed the first respondent therein to extend the benefit of the said G.O. and it was once again put to challenge in W.P.No.17162/2012 and this Court has passed a positive order in that writ petition, and in spite of it, it was not implemented and thereafter, the petitioner filed Contempt Petition No.1514/2014 and at last, the third respondent has passed an order on 8.8.2014, by implementing the above said order and paid all arrears.

4.The grievance now expressed by the petitioner, is that consequently, his pension ought to have been revised; but, it has not been done so and he has received a letter from the Office of the Principal Accountant General (Accounts and Entitlements) Tamilnadu, on 21.1.2015, stating that in G.O.Nos.69, 180 and 181, the name of the petitioner is not found in the list, and the petitioner, in this regard, has submitted a representation dated 8.6.2015, to the first respondent and since no orders have been passed, came forward to file this writ petition.

5.Heard the submissions of the learned Counsel appearing for the petitioner, and Mr.N.Srinivasan, learned Additional Government Pleader, who accepted notice on behalf of the respondents 1 to 3.

6.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the first respondent to consider the petitioner's representation dated 8.6.2015, on merits and in accordance with law and pass orders thereon within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To:

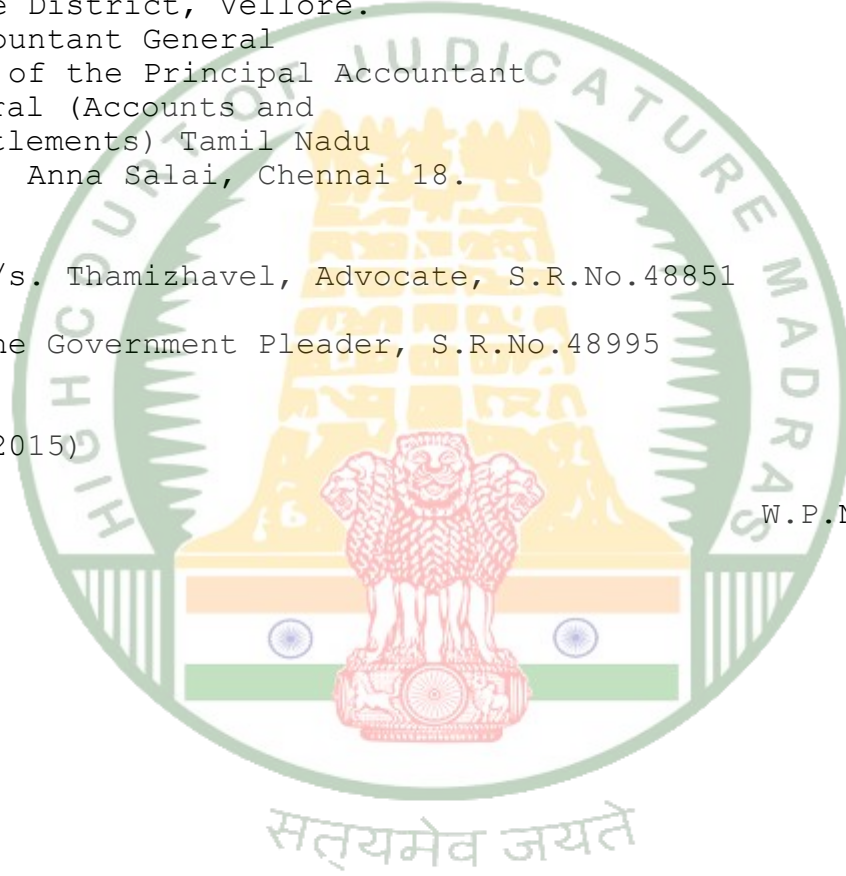
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+1cc to M/s. Thamizhavel, Advocate, S.R.No.48851

+1cc to the Government Pleader, S.R.No.48995

MP(CO)
EU(29/09/2015)

W.P.No.28243 of 2015



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