

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION NO.28433 OF 2015

R.Pichaimuthu

.... PETITIONER

Vs

1. The State of Tamilnadu
rep. by its Principal Secretary
School Education Department,
Fort St. George Chennai-600 009.
- 2 The District Elementary Educational Officer,
Namakkal, Namakkal District.
- 3 The Assistant Elementary Educational Officer,
Namakkal, Namakkal District.
- 4 The Headmaster,
Govt. Hr. Sec. School,
Valayampatty Post,
Namakkal District.

.... RESPONDENTS

PETITION under Article 226 of The Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 11.05.2015 for the sanction of the Annual increment to the petitioner in respect of the service rendered from 01.07.2002 to 31.05.2003 and pay all the revised pension and other monetary benefits within a stipulated time.

For Petitioner : Mr.T.Panchatsaram

For Respondents : Mr.R.Vijayakumar, AGP

O R D E R

By consent, the Writ Petition itself is taken up for final disposal.

2. The petitioner was appointed as Secondary Grade Teacher on 27.11.1963 and got his selection and special grades on 27.11.1973 and 27.11.1983 respectively. He retired from service on 30.6.2002 and

continued till the completion of the academic year, i.e., 31.5.2003. The petitioner, by placing reliance upon G.O.Ms.No.52, Finance (Pension) Department, dated 27.02.2003 and G.O.No.604 Finance (Pension) Department, dated 03.12.2003, would now claim that he is entitled to annual increment in respect of his service rendered by him between 01.07.2002 and 31.5.2003 and in this regard, he submitted a representation dated 11.5.2015 to the fourth respondent. Since no orders have been passed, the petitioner came forward to file this Writ Petition.

3. Learned counsel appearing for the petitioner would submit that the matter in issue is squarely covered by the orders of this Court dated 16.09.2011 in W.P.No.22306 of 2006 and 22.2.2012 in W.P.No.14401 of 2005 and prays for appropriate orders.

4. Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents, would contend that the claim made by the petitioner, is belated and hit by delay and laches. The petitioner, while in service, failed to make any claim based on the above-said G.O.s and had belatedly came forward to file this Writ Petition, which deserves to be dismissed in limine.

5. This Court, after considering the rival submissions and without going into the merits of the claim projected by the petitioner either in this Writ Petition or in the representation, permits the petitioner to submit one more representation to the second respondent by enclosing a copy of this order as well as the earlier representation dated 11.5.2015, within a period of two weeks from the date of receipt of a copy of this order. The second respondent, on receipt of the same, is directed to consider the said representation and pass orders on merits and in accordance with law within a period of eight weeks thereafter and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

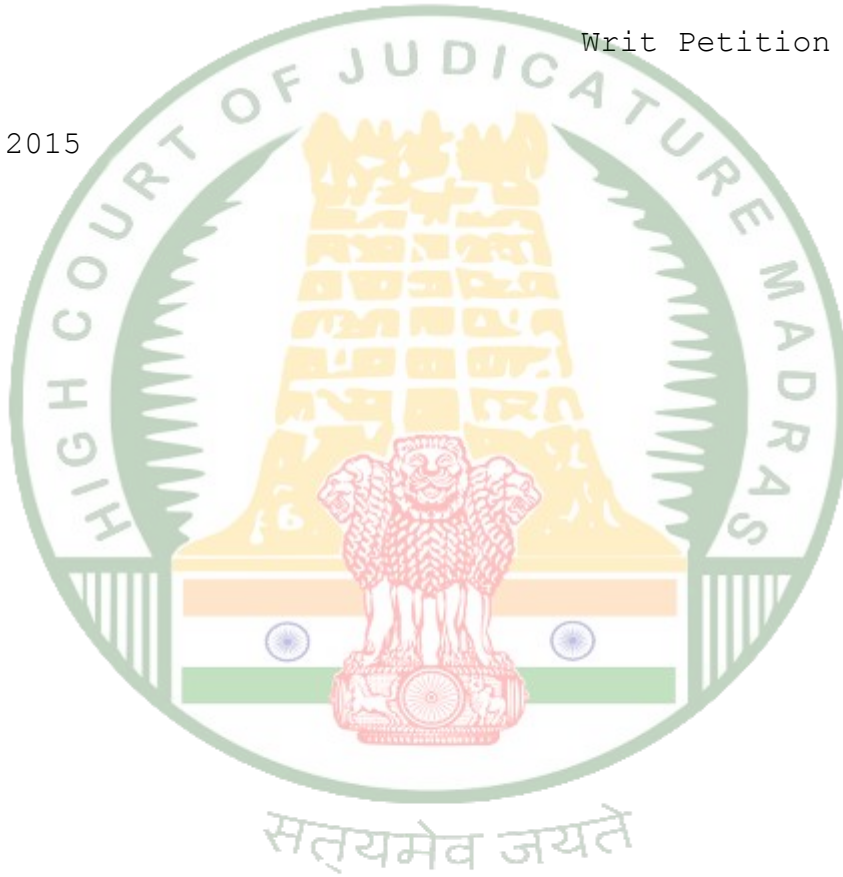
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+lcc to M/s.T.Panchatsaram, Advocate Sr.49387

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srg 30.09.2015



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