

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29012 of 2015

G.Gajendran

...Petitioner

vs.

- 1 The State of Tamil Nadu
rep. by its Principal Secretary
School Education Department
Fort St. George
Chennai - 600 009
- 2 The Director of Elementary Education
DPI Compound College Road
Chennai - 600 006
- 3 The District Elementary Educational Officer
Vellore
Vellore District
- 4 The Additional Assistant Elementary Educational Officer
Nemili - 631 051
Vellore District

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to consider the petitioners representation dated 30.07.2015 for the sanction of the annual increment to the petitioner in respect of the service rendered from 01.07.2008 to 30.06.2009 and pay all the revised pension and other monetary benefits within a stipulated time.

For Petitioner : Mr.K.R.Gunashekar

For Respondents : Mr.V.Subbiah
Special Government Pleader

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 on 02.07.1977 and got Selection Grade and Special Grade on 02.07.1987 and 02.07.1997 respectively and he retired from service on attaining the age of superannuation on 30.06.2009. The grievance expressed by the petitioner is that the annual increment due for the service rendered between 01.07.2008 and 30.06.2009 have not been paid and in this regard, submitted a representation dated 30.07.2015 requesting the respondents to extend the benefits of G.O.Ms.No.52, Finance (Pension) Department, dated 27.02.2003 as well as G.O.No.604 of the same Department dated 03.12.2003 and since no orders have been passed, came forward to file this writ petition.

3.The learned counsel appearing for the petitioner would submit that in similar facts and circumstances, this Court vide order dated 18.09.2011 made in W.P.No.22306 of 2006 has passed a positive order directing the respondents therein to sanction increment with consequential monetary and retirement benefits and since the petitioner is similarly placed, same order may be passed by this Court and prays for appropriate orders.

4.Heard the submissions of Mr.K.R.Gunashekar, learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents.

5.This Court in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 30.07.2015 on merits and in accordance with law after taking note of the aforesaid Government Orders and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Principal Secretary
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1 CC to Mr.K.R.Gunashekar, Advocate SR.No. 50216

1 CC to the Government Pleader, SR.No. 50552

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JP (CO)
PSI (01.10.2015)

सत्यमेव जयते

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