

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29014 of 2015

N.Subarayan

...Petitioner

vs.

- 1 The State of Tamil Nadu
rep by its Secretary
Adi Dravidar Welfare & Tribal Department
Fort St. George
Chennai - 600 009
- 2 The State of Tamil Nadu
rep by its Secretary
Finance (PC) Department
Fort St. George
Chennai - 600 009
- 3 The Director of Adi Dravidar
& Welfare Tribal Department
Chepauk
Chennai - 600 005
- 4 The District Adi Dravidar
& Tribal Department
Thiruvallur
Thiruvallur District
- 5 The Head Master
Government Adi Dravidar Boys
Welfare Higher Secondary School
Sevaipettai
Thiruvallur 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 petitioner's representation dated 30.07.2015 for the sanction of the annual increment to the petitioner in respect of the service rendered from 01.07.2004 to 30.06.2005 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 03.08.1970 and got Selection Grade and Special Grade on 03.08.1980 and 03.08.1990 respectively and she retired from service on attaining the age of superannuation on 30.06.2005. The grievance expressed by the petitioner is that the annual increment due for the service rendered between 01.07.2004 and 30.06.2005 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 3 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 Secretary
The State of Tamil Nadu
Adi Dravidar Welfare & Tribal Department
Fort St. George Chennai - 600 009
- 2 The Secretary,
Finance (PC) Department, Fort St. George
Chennai - 600 009
- 3 The Director of Adi Dravidar
& Welfare Tribal Department
Chepauk, Chennai - 600 005
- 4 The District Adi Dravidar
& Tribal Department
Thiruvallur, Thiruvallur District
- 5 The Head Master
Government Adi Dravidar Boys
Welfare Higher Secondary School
Sevaipettai, Thiruvallur District

1 CC to Mr.K.R.Gunashekar, Advocate SR.No. 50216

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

W.P.No.29014 of 2015

JP (CO)

PSI (01.10.2015)