

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29934 of 2015

P.Kandasamy

... Petitioner

Vs.

- 1 The State of Tamilnadu
rep. by its Secretary to Government School
Education Department Fort St. George
Chennai-9
- 2 The Director of School
Education College Road Chennai-6
- 3 The District Elementary
Educational officer Salem Salem 636 001
- 4 The Additional Assistant
Elementary Educational Officer
Kadaiyampatti Salem District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondents to regularize the service period of the petitioner from 27.12.1990 to 8.9.1993 and to prepone the Special Grade in the year 1991 instead of 1993 to grant notional promotion in the post of Headmaster Tamil Pandit Middle School Headmaster respectively in the year 1991 1993 and thereby calculating to disburse the service benefits and pension by considering the representation of the petitioner dated 18.8.2015 and pass appropriate orders within a time limit to be stipulated by this Honourable court.

For Petitioner
For Respondents

: Mr.S.Vijayan
: Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

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

2.The petitioner was initially appointed as Higher Grade Assistant and got promotion as Secondary Grade Assistant and got promoted as Headmaster and retired from service on 31.05.2000. The petitioner during the period of service was also visited with a disciplinary proceedings and the order of retirement was without prejudice to the order passed in O.A.No.1196 of 1993 wherein the order of termination came to be challenged. Ultimately, the said O.A., was transferred to this Court and numbered as W.P.No.36638 of 2005 and it was allowed and the order of termination was set aside. The petitioner after allowing the writ petition submitted a representation to the respondents 2 and 3 praying for disbursement of his service benefits and also pension by regularising the period between 27.12.1990 and 08.09.1993, however the said period was not regularised and the said period was treated as "no work and no pay" and to disburse the service benefits and pension without calculating the period.

3.The grievance expressed by the petitioner is that F.R.54 was not taken into consideration by the respondents. The petitioner subsequently submitted representations dated 05.03.2012 and 18.08.2015 to the respondents 2 and 3 submitting once again to regularise the above said period and for conferment of other consequential benefits in terms of F.R.54 and since no orders have been passed, came forward to file this writ petition.

4.Heard the submissions of Mr.S.Vijayan, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5.Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the third respondent to consider and dispose of the petitioner's representations dated 05.03.2012 and 18.08.2015 on merits and in accordance with law 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/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

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To

- 1 The Secretary to Government,
School Education Department Fort St. George
Chennai-9
- 2 The Director of School
Education College Road Chennai-6
- 3 The District Elementary
Educational officer Salem Salem 636 001
- 4 The Additional Assistant
Elementary Educational Officer
Kadaiyampatti Salem District.

+1 cc to M/s.S.Vijayan, Advocate SR.No.52062

+1 CC to the Government Pleader SR NO 52179

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gp/12.10.15

