

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 05.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31220 of 2015

V.Thiyagarajan

..Petitioner

Versus

- 1.The Principal Secretary,
Government of Tamil Nadu,
School Education Department,
Fort St.George,
Chennai - 600 009.
- 2.The Director of Elementary Education
College Road
Chennai - 600 006.
- 3.The District Elementary Educational Officer,
Salem - 636 001
Salem District.
- 4.The Assistant Elementary Educational Officer,
Pethanaiken Palayam,
Salem District.
- 5.The Principal Accountant General (A&E)
No.361, Anna Salai,
Chennai - 600 018.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents, particularly the first respondent, to pass appropriate orders to give effect to the order passed in G.O.Ms.No.62, Finance (CMPC) Department dated 09.03.2015 and to confer all consequential benefits to the petitioner by considering his representation dated 11.04.2015 and 06.05.2015 in the light of the communication dated 16.04.2015 issued by the fifth respondent, within a time limit that may be specified by this court.

For Petitioner : Mr.S.Vijayan
For R1 to R4 : Mr.R.Vijayakumar, AGP
For R5 : Mr.V.Vijayashankar

ORDER

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

2 The petitioner would state that he joined as Higher Grade Teacher on 28.07.1960 and on 01.04.1974, he was conferred with the selection grade scale of pay in the said cadre and on 01.06.1981, he was conferred with special grade scale of pay in the cadre of Higher Grade Teacher and got promoted as Secondary Grade Teacher on 01.09.1984 and on the same day, he was conferred with selection grade in the cadre of Secondary Grade Teacher, as per G.O.Ms.No.210 Personnel & Administrative Reforms Department, dated 11.03.1987 and G.O.Ms.No.375 of the very same Department dated 22.10.1983. According to the petitioner, as on 01.06.1988, his scale of pay was Rs.1400-50-2300-60-2600 and on 01.09.1994, he was conferred with special grade in the cadre of Secondary Grade Teacher and retired from service on attaining the age of superannuation on 31.12.1988.

3 The grievance to the expressed by the petitioner is that the benefits of the G.O.Ms.No.216 Finance (Pay Cell) Department dated 22.03.1993 which stipulates that the secondary grade teachers employed in high schools/higher secondary schools, are also made eligible for scale of pay on par with the Primary School Headmasters, has not been extended to him and in this regard, he has submitted a number of representations to the respondents and the last of such representation was made on 06.05.2015 and since no orders have been passed, he came forward to file this writ petition.

4 Learned counsel for the petitioner would submit that in similar facts and circumstances, number of similarly placed persons as that of the petitioner herein, have been conferred with the benefit of G.O.Ms.No.216, Finance [Pay Cell] Department dated 22.03.1993 and hence, prays for appropriate orders.

5 Per contra, Mr.R.Vijayakumar, Additional Government Pleader who accepts notice on behalf of the respondents 1 to 4, would contend that the claim of the petitioner is hit by delay and laches for the reason that the petitioner has raised the present claim nearly after 17 years from the date of his retirement and on the sole ground, the writ petition deserves to be dismissed.

6 Heard the submissions of Mr.V.Vijayashankar who accepts notice on behalf of the 5th respondent and perused the materials placed before it.

7 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into merits of the same, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 06.05.2015 on merits and in accordance with law and pass orders within ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

sd/-

ASSISTANT REGISTRAR (CS-III)

/ TRUE COPY /

SUB-ASSISTANT REGISTRAR

nvi/AP

To

- 1.The Principal Secretary,
School Education Department,
Fort St.George, Chennai - 600 009.
- 2.The Director of Elementary Education
College Road, Chennai - 600 006.
- 3.The District Elementary Educational Officer,
Salem - 636 001, Salem District.
- 4.The Assistant Elementary Educational Officer,
Pethanaiken Palayam, Salem District.
- 5.The Principal Accountant General (A&E)
No.361, Anna Salai, Chennai - 600 018.

+1 CC to Mr.S.Vijayan Advocate. SR.NO. 53722

+1 CC to Govt.Pleader. SR.NO.44040

सत्यमेव जयते

W.P.No.31220/2015

CO-AD

JD 14/10/2015

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