

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.33103 of 2015

D.Parvathi

.. Petitioner

vs

Salem Cooperative Sugar Mills
Matriculation Higher Secondary
School
Represented by its Managing Director
Mohanur, Namakkal District 637 015

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to dispose of the representation of the petitioner dated 9.9.2015, in relation to payment of pension for the qualifying service rendered by the petitioner as a teacher in the respondent-school and the superannuation pay for the period of service rendered by the petitioner between 30.6.2011 and 30.6.2013 in accordance with law, with specific reference to the Tamil Nadu Pension Rules, 1978, and Selection and Special Grade difference of pay as per G.O.Ms.No.304, Finance (Pay) Commission Department dated 28.3.1990, and G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.3.1993.

For Petitioner : Ms.C.Uma

For Respondent : Mr.R.Bala Ramesh
Additional Government Pleader

ORDER

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

2.The petitioner claims that she passed Certificate Course in Physical Education and on 16.8.1978, was appointed as a permanent Physical Education Teacher in the services of the respondent-School through Employment Exchange, and would further

claim that the appointment order also mentioned her entitlement for Government scale of pay and other benefits.

3.The grievance expressed by the petitioner, is that in spite of the fact that the Government has revised the scale of pay of all it's employees in terms of the recommendations of the IV and V Pay Commission, the said benefits have not been extended to the petitioner, which includes the pensionary benefit, and in this regard, she has submitted a representation dated 9.9.2015, to the respondent and though it was received and acknowledged, no orders have been passed and hence, she came forward to file this writ petition.

4.The learned Counsel appearing for the petitioner, has drawn the attention of this Court to the judgment dated 28.4.2008, made in W.A.No.1962 of 2005 batch etc., and would submit that the Division Bench of this Court in the above said judgment, has upheld the entitlement of salary payable to the writ petitioners therein on par with the Government School Teachers and consequently, the petitioner is entitled to get all the benefits that are available to the Government servants, and prays for appropriate orders.

5.Per contra, Mr.R.Bala Ramesh, learned Additional Government Pleader, who accepted notice on behalf of the respondent, would submit that though the petitioner is entitled to get her salary on par with the teachers employed in Government Schools/Aided Institutions, as far as her claim in respect of other benefits on par with the Government Servants, is concerned, she is not entitled to get the same for the reason that a Cooperative Society cannot be equated with the Government and prays for dismissal of this writ petition.

6.This Court has carefully considered the rival submissions and also perused the materials placed before it.

7.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in her representation, or in this writ petition, directs the respondent to consider her representation dated 9.9.2015, on merits and in accordance with law and pass orders thereon within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

sd/
ASSISTANT REGISTRAR(CS-VII)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

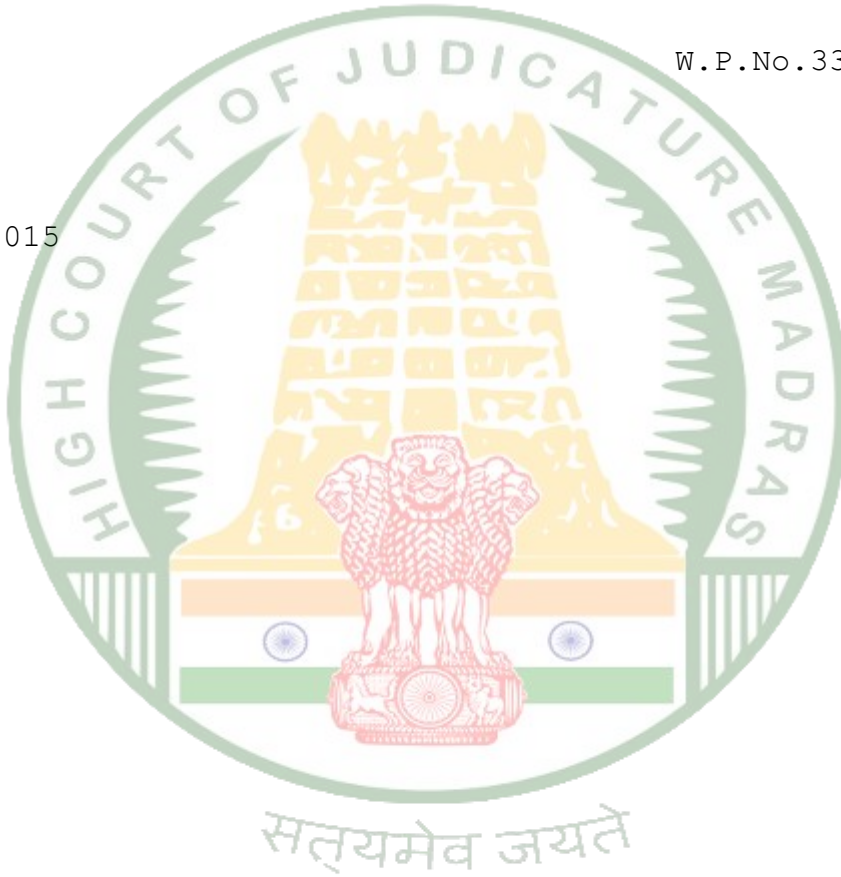
To:

The Managing Director
Salem Cooperative Sugar Mills
Matriculation Higher Secondary School
Mohanur, Namakkal District 637 015

+1 CC to Ms.C.Uma Advocate. SR.NO. 56767

W.P.No.33103 of 2015

CO-AK
JD 17/11/2015



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