

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33400/2015

A.Murugesan

.. Petitioner

Versus

- 1.The Principal Secretary to Government
Government of Tamil Nadu
Social Welfare & Noon Meal Programme
Department, Fort St George, Chennai 600 009.
- 2.The State Commissioner for the Differently Abled
SRTC Complex, KK Nagar, Chennai 600 078.
- 3.The Branch Office
O/o.The Principal Accountant General [A&E]
No.361, Anna Salai, Teynampet,
Chennai 600 018.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the 2nd respondent to forward petitioner's representation dated 12.07.2012 to the 3rd respondent for passing appropriate orders in time bound manner and issue direction to the 3rd respondent to pass order on the said representation dated 12.07.2012 so forwarded by the 2nd respondent within time limit which may be prescribed by this Court.

For Petitioner : Mr.R.Saseetharan
For RR1 & 2 : Mr.V.Subbiah, Spl.GP
For R3 : Mr.V.Vijayshankar

ORDER

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

2 The petitioner was initially appointed as Secondary Grade Teacher on 04.08.1972 and was granted selection grade scale of pay on 01.10.1982 and was posted as Primary School Headmaster on 07.02.1988 and transferred to the post of Secondary Grade Teacher on 09.06.1988. The Finance [Pay Commission] Department of Government of Tamil Nadu issued

G.O.Ms.No.666 dated 27.06.1989, wherein the higher scale of pay is awarded to the post of Primary School Headmaster than the post of Secondary Grade Teacher with effect from 01.06.1988 and thus, the post of Primary School Headmaster became promotional post with effect from 01.06.1988. The Director of Elementary Education, has, in his proceedings, dated 17.02.1990, issued a direction that the Secondary Grade Teachers who are in position as Primary School Headmaster as on 01.06.1988, shall be allowed to continue as Primary School Headmaster and after 01.06.1988, the seniority has to be followed in the cadre of Secondary Grade Teacher for the post of Primary School Headmaster. The Education Department has also issued G.O.Ms.No.1381 dated 05.10.1990 directing that the Primary School Headmaster who are in position as Primary School Headmaster as on 01.06.1988 shall be allowed selection and special grade scale of pay by counting the service rendered as Secondary Grade Teacher as well as the Primary School Headmaster before 01.06.1988. The petitioner was promoted as B.T.Assistant on 01.03.1991 and got his further promotion as High School Headmaster on 25.08.1998 and has submitted a representation for granting personal pay and in this regard, he has also filed WP.No.31940/2004 and this Court, vide order dated 04.11.2004, has directed the respondents therein to consider the petitioner's representation. The petitioner, on attaining the age of superannuation, has retired from service on 30.06.2006. The grievance expressed by the petitioner is that the benefit of G.O.Ms.No.202, School Education Department dated 24.09.2008 has not been conferred on the petitioner and though the office of the 3rd respondent has sought for clarification dated 10.07.2009 from the 1st respondent with regard to the procedure to be followed for revision of pensionary benefits for those who had retired between the period 01.01.2006 and 31.08.2009, no response has been given and in this regard, the petitioner submitted a representations dated 04.05.2012 and 12.07.2012 to the respondents and since no orders have been passed, the petitioner came forward to file this writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents 1 and 2 and Mr.V.Vijayshankar, learned counsel who accepts notice on behalf of the 3rd respondent.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the 2nd respondent to consider and dispose of the petitioner's representations dated 04.05.2012 and 12.07.2012 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

AP
To

1.The Principal Secretary to Government
Government of Tamil Nadu
Social Welfare & Noon Meal Programme
Department, Fort St George, Chennai 600 009.

2.The State Commissioner for the Differently Abled
SRTC Complex, KK Nagar, Chennai 600 078.

3.The Branch Office
O/o.The Principal Accountant General [A&E]
No.361, Anna Salai, Teynampet,
Chennai 600 018.

+1 cc to M/s.R.Saseetharan, Advocate, sr.57500
+1 cc to The Government Pleader, 57719

mp co
kra 29/10/2015

W.P.No.33400/2015

सत्यमेव जयते
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