

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33767 of 2015

R.Dhanasekaran

.. Petitioner

v.

- 1 State of Tamil Nadu
Rep. by its Secretary to Government
School Education Department
Secretariat, Chennai - 600 009.
 - 2 Director of Elementary Education
College Road, Chennai-600 006.
 - 3 District Elementary Educational Officer
Dharmapuri, Dharmapuri District
 - 4 Assistant Elementary Educational Officer
Nallampalli Union
Nallampalli-636 807
Dharmapuri District.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the Respondents to consider the representation dated 04-09-2015 made by the petitioner for extending the benefit of payment of special allowance in the cadre of B.T. Assistant and to pass orders thereon fixing the outer time limit

For Petitioner : Mr.S.Vijayan

For Respondents : Mr.S.Gunasekaran, GA

ORDER

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

2. The petitioner was appointed as Secondary grade Teacher on 01.11.2004 and got his promotion as B.T. Assistant (English) on 16.08.2010. The petitioner would further state that the 1st respondent vide G.O.Ms.No.270, Finance Department dated 26.08.2010, granted Special Allowance of Rs.500/- to the Secondary Grade and other Teaching posts in the cadre of Secondary Grade Teacher and Headmaster of High Schools. Thereafter, the Government issued G.O.Ms.No.23, Finance Department, dated 12.01.2011, wherein Special Allowance of Rs.500/- was ordered to be enhanced to Rs.750/- mainly to avoid further anomalies in the pay fixation and a cut of date was indicated for disbursement of the Special Allowance as 01.01.2011. According to the petitioner, there was no clarification as to the eligibility to get special allowance for those who were given promotion much before the cut off. The petitioner was paid with a sum of Rs.500/- towards Special Allowance from 1.8.2010 to 15.8.2010 on the basis of G.O.Ms.No.270, dated 26.8.2010. However, after promotion posted as B.T. Assistant from 16.8.2010, he was not paid any Special Allowance from September 2010 and in this regard, he has submitted a representation dated 04.09.2015 to the respondents and since no orders have been passed, he came forward to file this writ petition.

3. Heard Mr.S.Vijayan, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate who accepts notice on behalf of the respondents 1 to 3.

4. Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 04.09.2015 on merits and in accordance with law and pass orders 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-II)

True Copy

Sub Assistant Registrar

To

- 1 The Secretary to Government
School Education Department
Secretariat, Chennai - 600 009.
- 2 The Director of Elementary Education
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- 3 The District Elementary Educational Officer
Dharmapuri, Dharmapuri District
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Nallampalli-636 807
Dharmapuri District.

+1cc to Mr.S.vijayan, Advocate Sr.58012
+1cc to The Government Pleader, Sr.58114

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ksj[co]
srg 5/11/2015

सत्यमेव जयते

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