

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34530 of 2015

And

M.P.No.1 of 2015

K.Paneerselvam

... Petitioner

Vs.

1 The Director of Elementary Education,
DPI Campus, Nungambakam,
Chennai - 600 006.

2 The District Educational Officer,
Thiruvarur District,
Thiruvarur-610 001.

3 The Additional Assistant Elementary
Educational Officer,
Assistant Primary Education Office,
Muthupet-614 704
Thiruthuraipoondi Taluk,
Tiruvarur District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent herein to consider and pass orders on the representation of the petitioner dated 05.10.2013 pertaining to re-fixation of petitioner salary as per G.O.Ms.No.240 Finance (Pay Cell) Department, dated 22.07.2013 within the time frame as may be fixed by this Honourable Court.

For Petitioner : Mr.M.Santhanaraman

For Respondents : 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 at present is working as Headmaster in Panchayat Union Middle School, Kovilur, Muthupet, Thiruthuraipoondi Taluk and he was originally appointed as Teacher in Primary School on 06.11.1987 and his service was regularised on 01.06.1988 and subsequently got his promotion as Primary School Headmaster with effect from 13.09.2004. The petitioner would further state that he

was appointed as Graduate Teacher in the Middle School and got his further promotion as Middle School Headmaster on 02.06.2010 and is working as such and his salary in the present cadre was fixed on 01.01.2011.

3. The petitioner would further state that the salary for the Teachers who are not promoted and continued to work as Primary School Teachers and Middle School Teachers are higher than the pay scale of the petitioner due to the option exercised by him at that point of time and in this regard, several representations have been sent and the Government has passed G.O.Ms.No.240 Finance (Pay Cell) Department, dated 22.07.2013 wherein it has been stated that the employees may exercise re-option as one time measure to cover the implementation of the recommendation of the Pay Commission and such representation and re-option shall be exercised within a period of six months. Accordingly, the petitioner made a representation dated 05.10.2013 to the third respondent through proper channel to re-fix his pay and since no orders have been passed, came forward to file this writ petition.

4. Heard the submissions of Mr.M.Santhanaraman, 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 the larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, directs the third respondent to consider and dispose of the petitioner's representation dated 05.10.2013 and the reminder dated 08.09.2015 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. Consequently, the connected miscellaneous petition is also closed.
Pri

Sd/-

Assistant Registrar (IV)

/True Copy/

Sub-Assistant Registrar

To

- 1 The Director of Elementary Education,
DPI Campus, Nungambakam,
Chennai - 600 006.
- 2 The District Educational Officer,
Thiruvarur District,
Thiruvarur-610 001.
- 3 The Additional Assistant Elementary
Educational Officer,
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Thiruthuraipoondi Taluk,
Tiruvarur District.

+1 C.C. To MR.M.Santhanaraman, Advocate in SR.NO.59450

+1 C.C. To Government Pleader in SR.NO.59877

W.P.No.34530 of 2015
And
M.P.No.1 of 2015

AD(CO)
sd : 09/12/2015



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