

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34822 of 2015

R.Rajalingam

... Petitioner

Vs.

1 The Honorary Secretary
Sainik Schools Society,
Ministry of Defence,
Room No.G 101 D-1 Wing,
Sena Bhavan, DHQ Post,
New Delhi-110 011.

2 The Principal,
Sainik School,
Amaravathi Nagar,
Udumalpet Taluk,
Tiruppur District
Pin:642 102.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider and pass orders on the proposals submitted by the second respondent in No.SSA/101 A dated 9.8.2014 recommending fixation of his pay in the skilled scale of pay from the date of his appointment within a time limit to be fixed by this Honourable Court.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.T.L.Thirumalai Samy

CGSC

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O R D E R

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

2.The petitioner was employed as General Employee (Cook) on 01.06.1993 in the Semi Skilled scale of pay of Rs.800 - 15 - 1010 - EB - 20 - 1150 and his scale of pay was revised on implementation of V and VI Central Pay Commission. It is stated by the petitioner that as per the rules and regulations of Sainik Schools Society, New Delhi, the qualification for skilled General Employee is "a Diploma/ Certificate from a recognized

Institution, ITI or Polytechnic". The petitioner has also passed the one year Craftsmanship Course of Instruction in Cookery under the State Board of Technical Education and Training, Department of Technical Education, Government of Tamil Nadu. However, he was not granted skilled pay scale at the time of appointment.

3.The petitioner would claim that he is doing a skilled and specialized work as Cook from the date of his initial appointment and therefore, he is eligible for grant of skilled scale of pay and in this regard the second respondent has also sent a proposal dated 09.08.2014 to the first respondent and since no orders have been passed, came forward to file this writ petition.

4.Heard the submissions of Mr.P.Rajendran, learned counsel appearing for the petitioner and Mr.T.L.Thirumalai Samy, learned Central Government Standing Counsel 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 first respondent to act on the proposal of the second respondent dated 09.08.2014 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.

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

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

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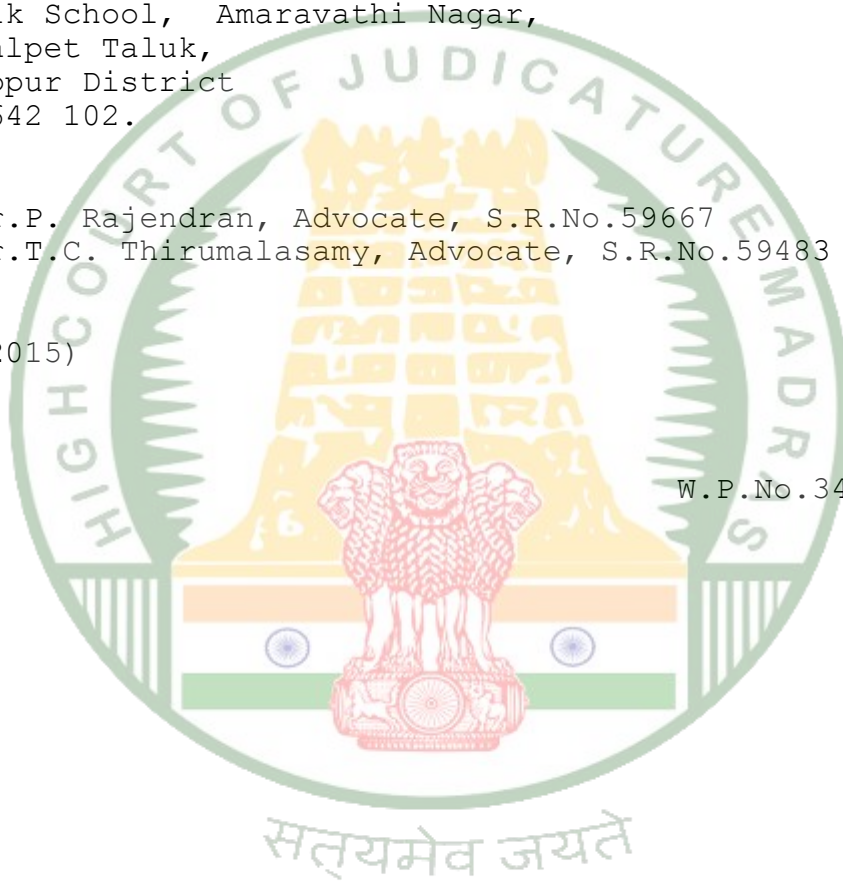
To

- 1 The Honorary Secretary
Sainik Schools Society, Ministry of Defence,
Room No.G 101 D-1 Wing, Sena Bhavan,
DHQ Post, New Delhi-110 011.
- 2 The Principal,
Sainik School, Amaravathi Nagar,
Udumalpet Taluk,
Tiruppur District
Pin:642 102.

+1cc to Mr.P. Rajendran, Advocate, S.R.No.59667
+1cc to Mr.T.C. Thirumalasamy, Advocate, S.R.No.59483

EV(CO)
EU(20/11/2015)

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