

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.34892 of 2015

L.K.Baktha Gowri

...Petitioner

-Vs-

- 1 The State of Tamil Nadu
Rep by The Secretary to Government
Education Department Secretariat Chennai 9
- 2 The Principal Accountant
General O/o.The Accountant General (A&E)
Tamil Nadu Chennai
- 3 The District Adidravidar
Welfare Officer Cuddalore District
Cuddalore

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus direction the respondents to pay the amount of Rs.2 87 987/- recovered from the gratuity of the petitioner by an order dt 15.3.2008 of the 2nd respondent and pay the benefit of G.O.Ms.No.62 dt 9.3.2015 Finance (CMPC) Department with effect from the date of eligibility i.e. 14.9.1990 with all monetary and service benefits.

For Petitioner : Mr.V.S.Jagadeesan

For R1 & R3 : Mr. S.Gunasekaran Govt. Advocate

For R2 : Mr.V.Vijayashankar

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner joined services as a Secondary Grade Teacher on 14.9.1970 and was conferred with the benefit of selection Grade Scale of pay on 14.09.1980 and Special Grade Scale of Pay in the post of Secondary Grade Teacher on 14.09.1990 and according to him, he falls within the purview of G.O.Ms.No.62, Finance (CMPC) Dept., dated 09.3.2015.

3. The petitioner expressed his grievance and made a representation seeking for scale of pay on par with his junior and also contended that a sum of Rs.2,87,987/- was also recovered out of his retirement benefits on account of alleged excess amount and in this regard, he submitted a representation dated 22.10.2015 to the first respondent and since no orders have been passed, came forward to file this writ petition.

4. Heard the submissions of the learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate, who accepts notice on behalf of R1 to R3 and Mr.V.Vijayashankar, learned counsel, who accepts notice on behalf of R2.

5. Though the petitioner has prayed for a larger relief, this Court, without going into the merits of the case, directs the first respondent to consider and dispose of the petitioner's representation dated 22.10.2015 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.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.
kua

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

1 The Secretary to Government
The State of Tamil Nadu
Education Department Secretariat Chennai 9

2 The Principal Accountant General
O/o.The Accountant General (A&E)
Tamil Nadu Chennai

3 The District Adidravidar
Welfare Officer Cuddalore District
Cuddalore

+ 1 cc to Mr.V.S.Jagadeesan, Advocate SR 59416

+ 1 cc to Govt.Pleader SR 60054

svi(co)
prk16/11

W.P.No.34892 of 2015