

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2015

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.35158 of 2015

A.Dhanapalan

... Petitioner

Vs.

1. The Director of School Education,
Higher Secondary, College Road,
Chennai - 6.
2. The Chief Educational Officer,
Dharmapuri & District.
3. The Headmaster,
Govt. Hr.Sec. Boys School,
Harur & Taluk,
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to consider the petitioner's representation dated 01.09.2015 for the sanction of the Annual Increment to the petitioner in respect of the service rendered from 01.07.2001 to 31.05.2002 and pay all the revised pension and other monetary benefits within a stipulated time.

For Petitioner : Mr.T.Panchatsaram

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

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

2. The petitioner was appointed as Secondary Grade Teacher on 01.06.1964 and got his selection and special grades on 01.06.1974 and 01.06.1984 respectively. He retired from service on 31.05.2002. The petitioner, by placing reliance

upon G.O.Ms.No.52, Finance (Pension) Department, dated 27.02.2003 and G.O.No.604 Finance (Pension) Department, dated 03.12.2003, would now claim that he is entitled to annual increment in respect of his service rendered by him between 01.07.2001 and 31.05.2002 and in this regard, he submitted a representation dated 01.09.2015 to the 1st respondent. Since no orders have been passed, the petitioner came forward to file this Writ Petition.

3. Learned counsel appearing for the petitioner would submit that the matter in issue is squarely covered by the orders of this Court dated 16.09.2011 in W.P.No.22306 of 2006 and 22.2.2012 in W.P.No.14401 of 2005 and prays for appropriate orders.

4. Per contra, Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, who accepts notice on behalf of the respondents, would contend that the claim made by the petitioner, is belated and hit by delay and laches. The petitioner, while in service, failed to make any claim based on the above-said G.O.s and had belatedly came forward to file this Writ Petition, which deserves to be dismissed in limine.

5. This Court, after considering the rival submissions and without going into the merits of the claim projected by the petitioner either in this Writ Petition or in the representation, permits the petitioner to submit one more representation to the second respondent by enclosing a copy of this order as well as the earlier representation dated 01.9.2015, within a period of two weeks from the date of receipt of a copy of this order. The second respondent, on receipt of the same, is directed to consider the said representation and pass orders on merits and in accordance with law within a period of eight weeks thereafter and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS II)

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Sub Assistant Registrar

vsm

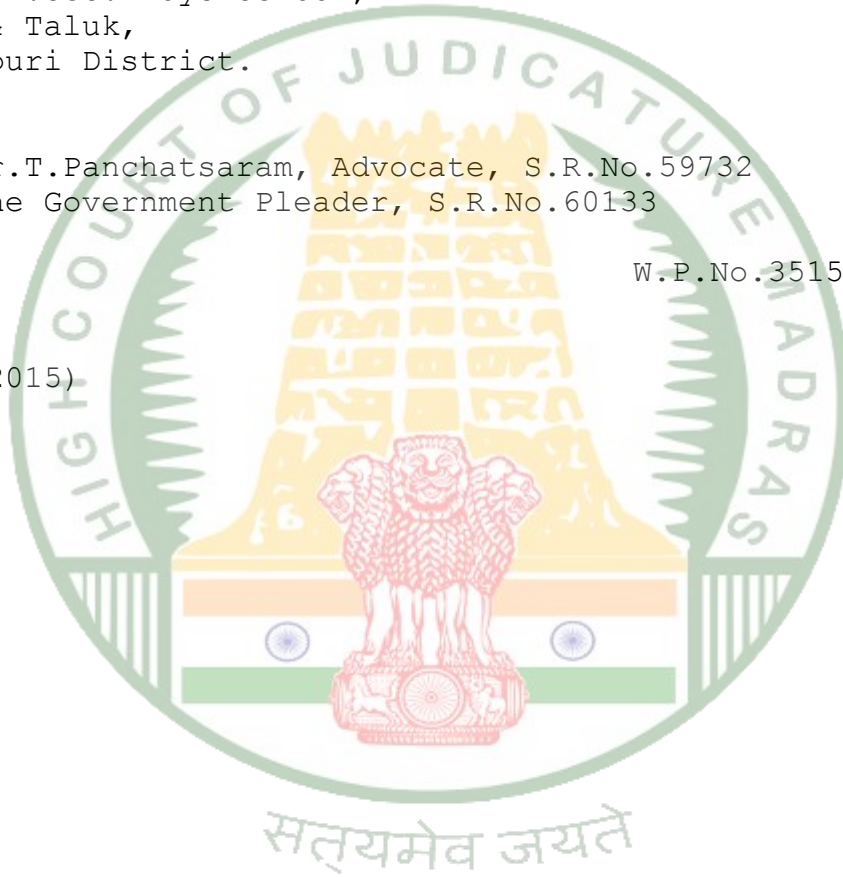
To

1. The Director of School Education,
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2. The Chief Educational Officer,
Dharmapuri & District.
3. The Headmaster,
Govt. Hr.Sec. Boys School,
Harur & Taluk,
Dharmapuri District.

+lcc to Mr.T.Panchatsaram, Advocate, S.R.No.59732
+lcc to the Government Pleader, S.R.No.60133

W.P.No.35158 of 2015

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