

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.38202 of 2015

P.Sivakumar

... Petitioner

Vs.

- 1.The Government of Tamil Nadu
Rep.by the Secretary to Government,
School Education Department,
Fort St. George, Chennai - 9.
- 2.The Director of School Education,
DPI Compus, College Road,
Nungambakkam, Chennai - 6.
- 3.The District Educational Officer,
Elementary School,
District School Educational Office,
Erode.
- 4.The Assistant Elementary School Officer,
Elementary School, Anthiyur,
Erode District. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 26.10.2015 for including the sum of Rs.750/- in the petitioner's monthly pay scale as per G.O.Ms.No.23 dated 12.01.2011 (Finance Department) and consequently direct the respondents to pay salary to him as per the Government direction dated 8764/CMPC/2012-1 dated 18.04.2012 (Finance Department) and recommendation vide School Education department Madurai division accounts officer (Audit) Na.Ga.Na.No.760/A4/2012 dated 02.05.2012 with in the stipulated time.

For Petitioner : Mr.E.C.Ramesh

For Respondents : Mr.S.Gunasekaran
Government Advocate

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The case of the petitioner is that he was appointed as Second Grade Teacher in the Panchayat Union Middle School at Pramadesam, Anthiyur Union, Erode District and subsequently, he was promoted as Head Master on 19.06.2014. Based on One Man Commission recommendations order issued in G.O.Ms.No.270, Finance, (PC) Department, dated 26.08.2010, Special Allowance was given and thereafter, based on the representations of the Teachers Associations to revise the scale of pay, the Government issued in G.O.Ms.23, Finance (Pay Cell) Department dated 12.01.2011 revising the scale of pay to the B.T.Assistant and Elementary School Head Masters with effect from 01.01.2006 with monetary benefit from 01.01.2011.

3. The petitioner would further state that the Government issued a letter dated 18.04.2012 granting special allowance along with increment 3% from the monthly salary. Though the petitioner is entitled for the benefit of the G.O.Ms.No.23 (Finance Department) dated 12.01.2011, the respondents have not paid the salary, special allowance and therefore, he submitted a representation dated 26.10.2015 to include sum of Rs.750/- in the monthly salary. Since it was not considered, the present writ petition has been filed.

4. Heard Mr.E.C.Ramesh, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate for the respondents.

5. Though the petitioner prayed for a larger relief, this court, in the light of the facts and circumstances and without going into the merits of the case, directs the second respondent to consider the petitioner's representation dated 26.10.2015 and pass orders on merits and in accordance with law, 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.

With the above said direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

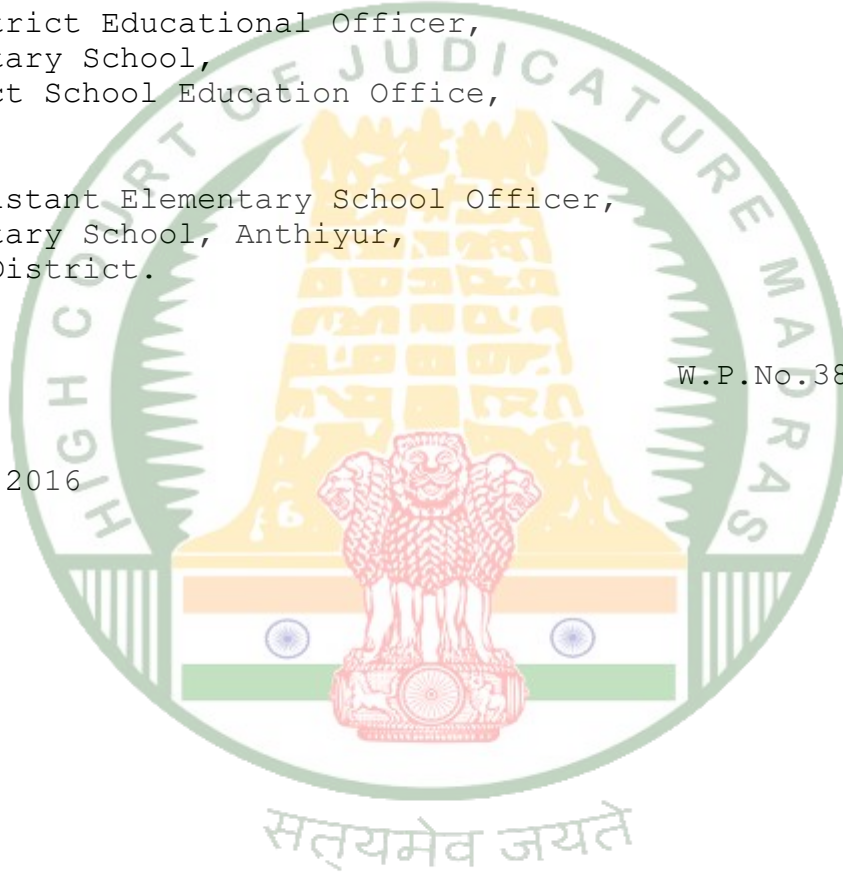
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To

- 1.The Secretary to Government of Tamilnadu,
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vs co
kra 04.01.2016



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