



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **07.04.2015**

Coram

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

WEB COPY

W.P. (MD) .No.5100 of 2015

M.Gandhimathi

:Petitioner

vs.

- 1.The Secretary to Government,
School Education Department,
Secretariat, Chennai-600 009.
- 2.The Director of School Education,
DPI Compound, College Road,
Chennai-600 006.
- 3.The District Educational Officer,
Melur, Madurai District,
Madurai

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus to direct the first respondent i.e. the Secretary to Government, School Education Department, Chennai, to consider the petitioner's representation dated 11.02.2015 regarding sanction of increment which fell due on 01.07.2009 as per FR 26(a) Appendix (ix) and pass appropriate orders on merits and in accordance with law within a specified time frame that may be fixed by this Hon'ble High Court and pass such other orders as may be deemed fit and proper in the circumstances of the case and render justice.

For Petitioner :Mr.S.Visvalingam

For Respondents :Mr.T.S.Mohamed Mohideen
Additional Government Pleader

ORDER

The prayer in the Writ Petition is for a Writ of Mandamus to direct the first respondent i.e. the Secretary to Government, School Education Department, Chennai, to consider the petitioner's representation dated 11.02.2015 regarding sanction of increment which fell due on 01.07.2009 as per FR 26(a) Appendix (ix).

2.Mr.T.S.Mohamed Mohideen, learned Additional Government Pleader takes notice for the respondents and by consent of both parties, the writ petition itself is taken up for final disposal.



3.The learned counsel appearing on behalf of the petitioner submitted that similarly placed persons like the petitioner have been granted the benefit of increment by an order of this Court dated 03.08.2011 made in W.P.(MD)No.22589 of 2010. Hence, he prayed that the same benefit may also be granted to the petitioner.

4.Admittedly, the petitioner has retired from service in the year 2009 and after a period of six years, she has come forward with this Writ Petition contending that she is entitled to the benefit of increment in terms of the decision of this Court in W.P.(MD)No.22589 of 2010, dated 03.08.2011 and that the cause of action is a continuous one. But, this Court is not inclined to accept the contention of the petitioner for the reason that the writ petition has been filed belatedly. However, in view of the limited scope of the prayer, without expressing any opinion on the merits of the issue involved, the first respondent is directed to consider the representation of the petitioner dated 11.02.2015, and pass appropriate orders and in accordance with law, within a period of two months from the date of receipt of a copy of this order. It is also open to the first respondent to consider the question of delay while considering the representation of the petitioner.

5.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(T & P)

/True Copy/

Sub Assistant Registrar

TO

- 1.The Secretary to Government,
School Education Department,
Secretariat, Chennai-600 009.
- 2.The Director of School Education,
DPI Compound, College Road,
Chennai-600 006.
- 3.The District Educational Officer,
Melur, Madurai District, Madurai.

+1cc to Mr.S.Visvalingam, Advocate Sr.No.17087

+1cc to Spl.Government Pleader Sr.No. 17543

srm

AA/01.06.2015/2p - 6c/

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