

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 19.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5968 of 2014

A.Mohamed Elias

... Petitioner

-vs-

1.The Director of Elementary Education,
Nungambakkam,
Chennai - 600 006.

2.The District Elementary Educational Officer,
Salem, Salem District.

3.The Assistant Elementary Educational Officer,
Veerpandi, Salem District.

4.The Headmaster,
Panchayat Union Middle School,
S.K.Valavu, Veerapandi,
Salem District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to disburse to the petitioner forthwith the pay and allowance for the period of re-employment from 01.10.2012 to 31.05.2013 with 18% interest for the delay.

For Petitioner : Mr.V.Thirupathi

For Respondents : Mr.K.Dhananjayan
Special Government Pleader

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to disburse the pay and allowance to him for the period of re-employment from 01.10.2012 to 31.05.2013 with 18% interest for the delay.

2.It is the case of the petitioner that he was appointed as B.T.Teacher (English) in the year 2009 and subsequently, superannuated on 30.09.2012. It is his further case that as per the Government Order, Teachers are entitled to get extension of services, by way of re-employment from the date of superannuation till the end of academic year. Hence, the petitioner made a request dated 31.07.2012 to the respondents to

provide him the extension of service or re-employment till the end of the academic year i.e. till 31.05.2013. The fourth respondent has also forwarded the petitioner's application to the third respondent, who in turn forwarded the same to the second respondent. Since no order was passed, the petitioner preferred W.P.No.27398 of 2012 seeking to direct the respondents to grant extension of services or re-employment to him as B.T.Assistant (English) at the fourth respondent school from 01.10.2012 till the end of the academic year 2012-2013 (31.05.2013) with all service benefits and the same was closed on 08.11.2012. The grievance of the petitioner is that he served as B.T.Assistant (English) on re-employment basis from 21.01.2013 to 31.05.2013 and was relieved from duty on 31.05.2013 but his pay and allowances were not paid to him. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition.

3.I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

4.The learned counsel appearing for the petitioner would submit that in an identical case this Court in W.P.No.30008 of 2011 dated 10.04.2013, directed the respondents to pay the salary and other allowances due to the petitioner.

5.Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to submit a fresh representation to the respondents, within a period of two weeks from the date of receipt of a copy of this order, with regard to the pay and allowance for the period of re-employment from 01.10.2012 to 31.05.2013. On receipt of the same, the respondents are directed to consider the same, and pass appropriate orders, in the light of the order passed in W.P.No.30008 of 2011 dated 10.04.2013, within a period of six weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the respondents to consider the claim of the petitioner strictly on merits and in accordance with law. The Writ Petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

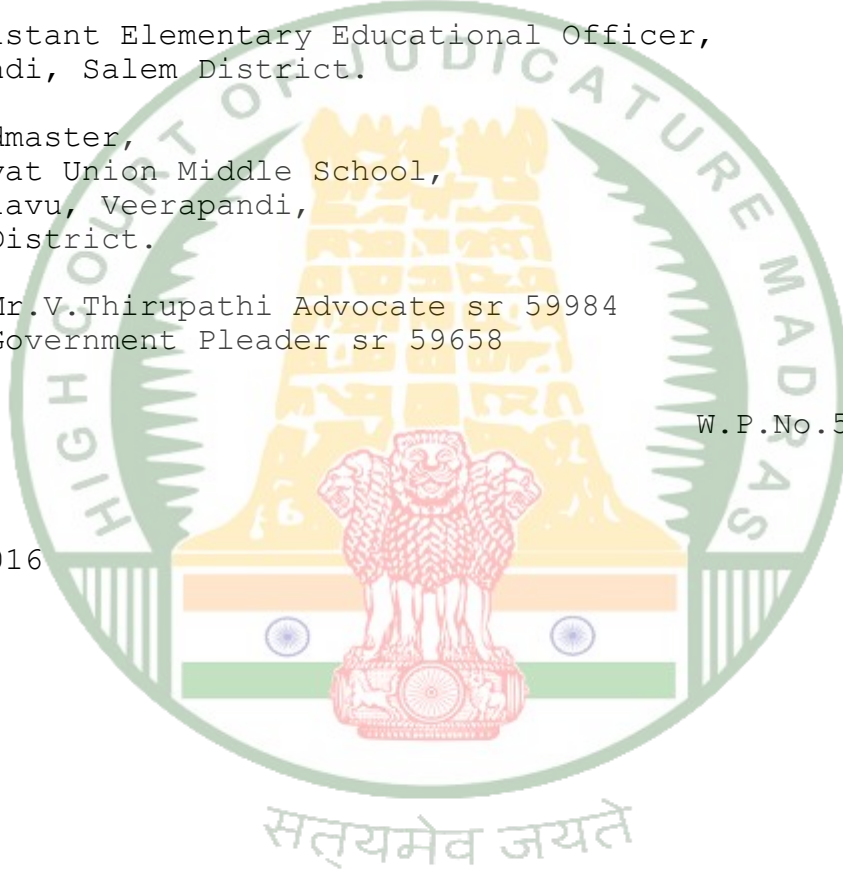
To

- 1.The Director of Elementary Education,
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+1 cc to Mr.V.Thirupathi Advocate sr 59984
+1 cc to Government Pleader sr 59658

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