

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 19.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5969 of 2014

R.Pappathi

... Petitioner

-vs-

- 1.The Director of Elementary Education,
Nungambakkam,
Chennai - 600 006.
- 2.The District Elementary Educational Officer,
Villupuram, Villupuram District.
- 3.The Assistant Elementary Educational Officer,
Chinnasalem, Villupuram District.
- 4.The Headmaster,
Panchayat Union Middle School,
V.Ambalam, Chinnasalem,
Villupuram 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 01.11.2011 to 31.05.2012 with 18% interest for the delay.

For Petitioner : Mr.V.Thirupathi

For Respondents : Mr.K.Dhananjayan
Special Government Pleader

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The petitioner has come up with the present writ petition for a mandamus, directing the respondents to disburse the pay and allowance to her for the period of re-employment from 01.11.2011 to 31.05.2012 with 18% interest for the delay.

2.It is the case of the petitioner that she was appointed as B.T.Teacher (Maths) in the year 2004 and subsequently, superannuated on 31.10.2011. It is her 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 28.10.2011 to the respondents to provide her the extension of service or re-employment till the end of the academic year i.e. till 31.05.2012. The fourth respondent has also forwarded the petitioner's application to the third respondent, who in turn forwarded the same to the second respondent. The grievance of the petitioner is that she served as B.T.Assistant (Maths) on re-employment basis from 01.11.2011 to 31.05.2012 and was relieved from duty on 31.05.2012 but her pay and allowances were not paid to her. 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 01.11.2011 to 31.05.2012. 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.

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-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sri

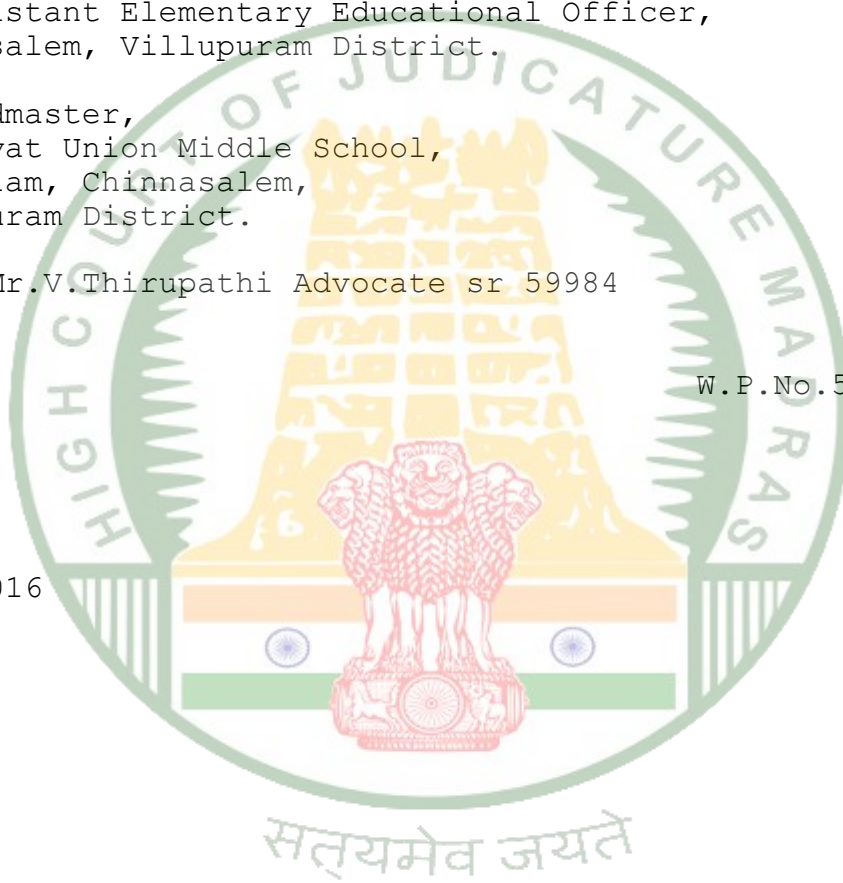
To

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Villupuram District.

+1 cc to Mr.V.Thirupathi Advocate sr 59984

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