

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.25767 of 2016

N.Elanchezhiyan

... Petitioner

Vs

- 1 The Director of Elementary Education,
Directorate of Elementary
Education Chennai-600 006.
- 2 The District Elementary
Educational Officer, O/o.The District
Elementary Educational Officer
Thiruvannamalai, Thiruvannamalai District.
- 3 The Assistant Elementary
Educational Officer O/o.The Assistant
District Elementary Educational Officer
Polur, Thiruvannamalai District.
- 4 The Additional Assistant
Elementary Educational Officer O/o.The
Assistant District Elementary Educational
Officer, Polur, Thiruvannamalai District. ... Respondents.

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the third respondent to dispose of the petitioner's representation dated 7.5.2016 and to provide increment to him from 1.7.2010 as usual.

For Petitioner : Mr.C.Venkatesan

For Respondents : Mr.R.Venkatesh,
Govt. Advocate

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the third respondent to dispose of his representation dated 7.5.2016 and to provide increment to him from 1.7.2010 as usual.

3. It is the case of the petitioner that he joined as Secondary Grade Teacher on 7.8.1997 under the respondents. While so, he was suspended from 18.5.2011 and during the suspension period, he was paid subsistence allowance. Thereafter, the respondents conducted enquiry and imposed the minor punishment of censure, against which, the petitioner prepared a review petition before the second respondent and the same is pending. However, his service period was not regularized by the respondents during the suspension period. Further, they have also withheld his increment from the date of his suspension. Hence, the petitioner made a representation dated 7.5.2016 to the third respondent seeking increment. But, till date, the third respondent has not taken any action on the said representation. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the third respondent to consider the representation of the petitioner dated 7.5.2016 seeking increment from 1.7.2010, and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. 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 third respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

sbi

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sd/-

Assistant Registrar (CS)

/TRUE COPY/

Sub-Assistant Registrar

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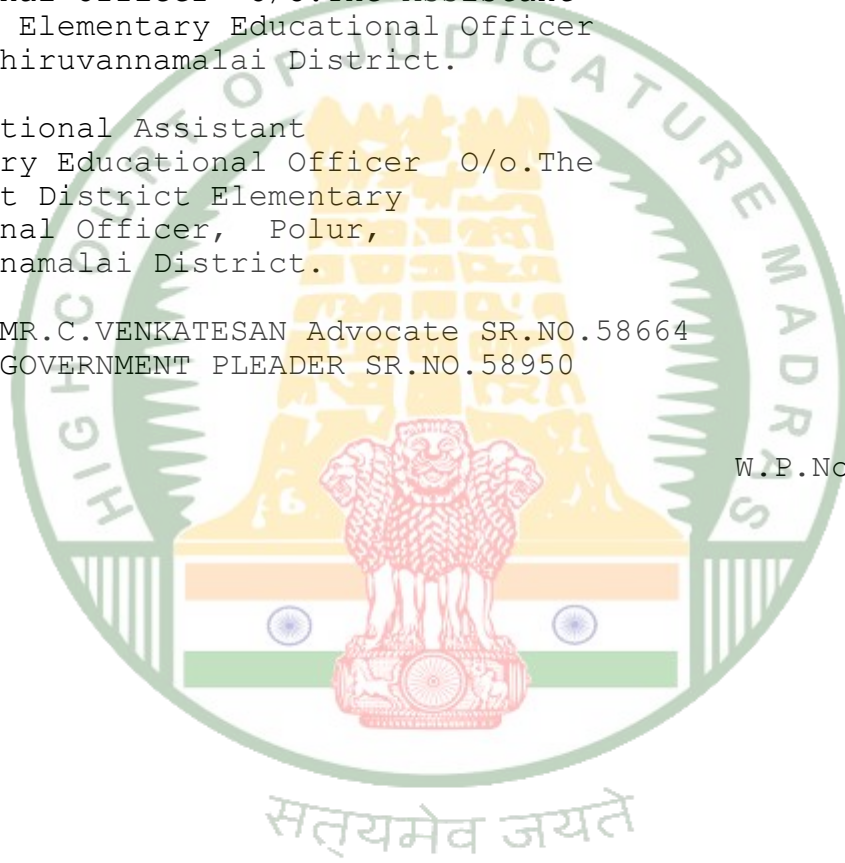
To

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Assistant District Elementary
Educational Officer, Polur,
Thiruvannamalai District.

+1CC to MR.C.VENKATESAN Advocate SR.NO.58664
+1CC to GOVERNMENT PLEADER SR.NO.58950

W.P.Nos.25767 of 2016

SR[CO]
MK:08/11/2016



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