

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2016

CORAM

THE HONOURABLE MR. **JUSTICE R.SUBBIAH**

Writ Petition No.34698 of 2016

A.Ganapathy

... Petitioner

VS.

- 1 Government of Tamil Nadu
Rep. by Secretary to Government School
Education Department Secretariat Chennai-
600 009
- 2 The Director of Elementary
Education Nungambakkam Chennai-600 006.
- 3 The District Elementary
Educational officer Villupuram Villupuram
District
- 4 The Additional Assistant
Elementary Educational Officer
Marakkanam - 604 303
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 consider the claim of the petitioner of rectifying the anomaly of the petitioner on par with his junior (Thiru.A.

Varadarajulu) drawing more pay than Senior (Petitioner) from 2.10.1970 onwards and refixing of pensionary benefits from 1.11.2000 in the light of his representation dated 28.6.2013.

For Petitioner : Mr.V.Thirupathy

For Respondents : Mr.S.N.Parthasarathy,
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 respondents to consider his claim of rectifying his anomaly on par with his junior (Thiru.A. Varadarajulu) drawing more pay than Senior (Petitioner) from 2.10.1970 onwards and refixing of pensionary benefits from 1.11.2000 in the light of his representation dated 28.6.2013.

3. It is the case of the petitioner that he joined service as Secondary Grade Teacher in Marakkanam Union on 23.8.1965. Later, he was promoted as Headmaster on 18.6.1967 and retired from service as Elementary School Headmaster of Panchayat Union

Elementary School, Keezharunguram, Marakkanam Union, Villupuram District on 31.10.2000 on attaining the age of superannuation. Now, the grievance of the petitioner is that his junior one A.Varadarajulu, who joined service on 20.9.1965 as Secondary Grade Teacher and retired from service as Headmaster of Panchayat Union Elementary School, Veppery, Marakkanam Union, Villupuram District on 31.3.2001 was drawing more pay than himself from 2.10.1970 onwards till retirement on 31.3.2001. To rectify the said anomaly, the petitioner sent several representation to the respondents, but, they have not considered the same. Hence, finally, he sent a representation dated 28.6.2013 to the respondents seeking re-fixation of his pensionary benefits. Since the same was also not considered so far, left with no other alternative, the petitioner has come up with the present writ petition.

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, without going

into the merits of the claim projected by the petitioner, this Court directs the petitioner to send a fresh representation along with a copy of this order, to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider the representation seeking to rectify his anomaly on par with his junior (Thiru.A. Varadarajulu) drawing more pay than Senior (Petitioner) from 2.10.1970 onwards and to re-fix his pensionary benefits from 1.11.2000 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

30.09.2016

Index:Yes/No
sbi

To

- 1 The Secretary to Government
Government of Tamil Nadu
School Education Department Secretariat Chennai-
600 009
- 2 The Director of Elementary
Education Nungambakkam Chennai-600 006.
- 3 The District Elementary
Educational officer Villupuram Villupuram
District
- 4 The Additional Assistant

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R.SUBBIAH, J

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