

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.10.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition No.35426 of 2016

R.Vijayalakshmi

.. Petitioner

Vs.

- 1 The Government of Tamilnadu
Rep. by its Secretary School Education
Department Fort Dt. George Chennai-600 009.
- 2 The Director of School
Education Nungambakkam Chennai-600 006.
- 3 The Director of Elementary
Education Nungambakkam Chennai-600 006.
- 4 The District Educational
Officer South Chennai Chennai-600 008.
- 5 The Chief Educational Officer
Saidapet Chennai-600 015.
- 6 The Asst. Educational Officer
T.Nagar Bank Chennai.
- 7 The Correspondent
Kaveri High School Saligramam
Chennai-600 093.

.. Respondents

सत्यमेव जयते

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Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 02.07.2015 with regard to pay regular time scale of pay from the date initial appointment from 21.07.1999 to 31.05.2000 within a stipulated time as fixed by this Honourable Court.

For Petitioner : Mr.V.Thirupathi

For Respondents : Mr.R.Venkatesh,
Govt. Advocate,
R.1 to R.6

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider and pass orders on her representation dated 2.7.2015 with regard to payment of regular time scale of pay from the date initial appointment i.e., from 21.7.1999 to 31.5.2000 within a stipulated time as fixed by this Court.

2. It is the case of the petitioner that she has possessed SSLC and Technical Teachers' Certificate. Her name was sponsored through District Employment Officer, Nandanam and she was selected and appointed as P.V.I. Needle Work Teacher with effect from 21.7.1999 in the permanent / retirement vacancy arose in the seventh respondent school by the proceedings of the fourth respondent dated 19.4.2000. She was paid a sum of Rs.800/- per month on consolidated basis. Originally, the seventh respondent school was a middle school and subsequently, it was upgraded as High School, pursuant to which, she was absorbed in the High School with effect from 1.6.2000 by the proceedings of the fourth respondent dated 24.2.2003 and her pay scale was fixed at Rs.4500-125-7000 with effect from 1.6.2000. Though she was appointed in the permanent sanctioned post (retirement vacancy) of one D.Kasthuri, she was paid a sum of Rs.800/- per month on consolidated basis from 21.7.1999 to 31.5.2000. Similarly placed persons like that of the petitioner approached this Court and obtained an order for payment of regular time scale of pay from the date of initial appointment and consequently, the first respondent has also issued a Government Order. Since the petitioner is also entitled to get regular time scale of pay from the date of initial appointment, she sent a representation dated 2.7.2015 to the respondents, but, the same was not considered so far. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

3. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents 1 to 6. In view of the limited order to be passed hereunder, this Court is of the view that notice is not necessary to the seventh respondent.

4. 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 copy representation dated 2.7.2015 along with a copy of this order to the fourth respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the fourth respondent is directed to consider the said representation seeking regular time scale of pay from the date initial appointment from 21.07.1999 to 31.05.2000, 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.

-s/d-

Assistant Registrar (CSIII)

True Copy

Sub-Assitant Registrar

sbi

To

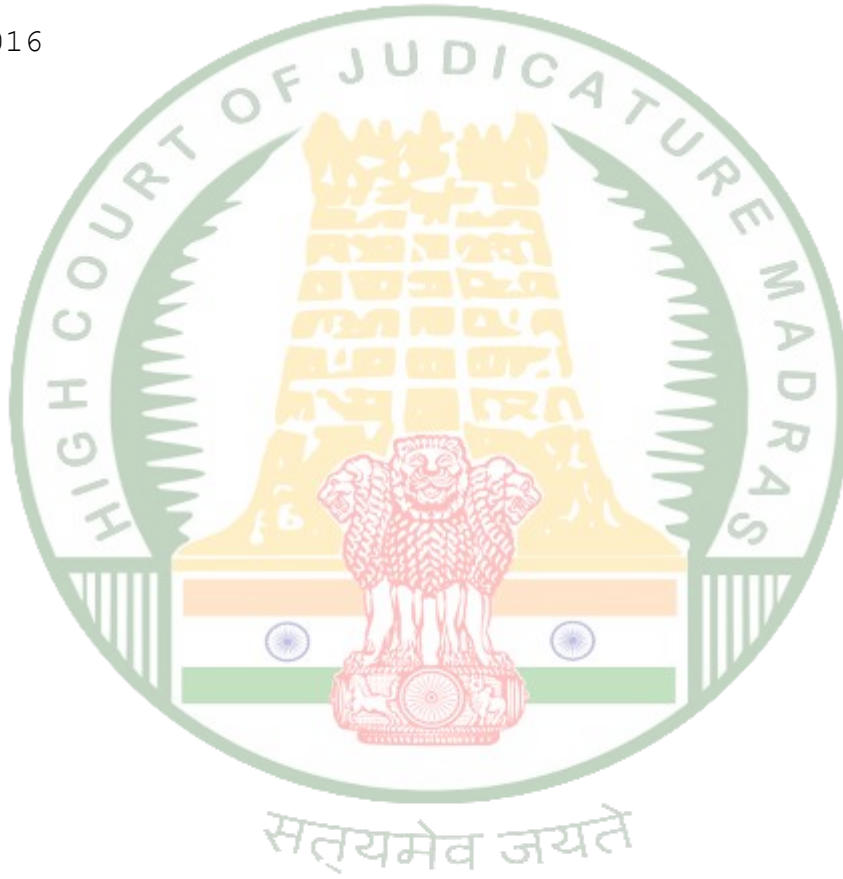
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6 The Asst. Educational Officer
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+1 cc to Government Pleader sr 57539
+1 cc to Mr.V.Thirupathi Advocate sr 58012

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