

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.42740/2016

K.Palanivel

..

Petitioner

Vs.

1.The Inspector of Labour
Cuddalore.

2.The Assistant Inspector of Labour
Chidambaram, Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent herein to grant 2 advance increments to the petitioner meant for acquiring higher qualification of M.A [History] through Open University from the date of his initial appointment i.e., from 01.06.2009 F.N. and consequential arrears of pay arising thereof in pursuance of 1st respondent's proceedings issued in Na.Ka.A/1423/14 dated 28.12.2015 by disposing of petitioner's representation dated 31.05.2016 forwarded by the 2nd respondent in Na.Ka.No.326/2016 dated 10.06.2016 to the 1st respondent within a stipulated period of time as prescribed by this Court.

For Petitioner : Mr.K.Shanmugam

For R1 & R2 : Mr.K.Dhananjayan, Spl.GP

ORDER

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

2 The petitioner was recruited and joined as Junior Assistant by virtue of selection process by the Tamil Nadu Public Service Commission on 01.06.2009. According to the petitioner, he has passed M.A [History] through Open University System from Annamalai University during the year 1993 and thereafter, he has completed B.Ed., also from the very same University and his qualification of M.A [History] and B.Ed., have been entered in the Service Register while he was working as Junior Assistant on a consolidated pay, prior to his regular recruitment.

3 It is the claim of the petitioner that as per G.O.Rt. No.307, School Education Department dated 15.12.2000, the advance / incentive increments can be given in favour of persons who has directly obtained Post Graduate Degree through Open University and

as such, the petitioner is eligible to get the same and since it has not been done, he has submitted a representation dated 31.05.2016 to the 2nd respondent and it was also forwarded to the 1st respondent and since it has not been given disposal, the petitioner came forward to file the present writ petition.

4 Heard the submissions of the learned counsel for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader who accepts notice on behalf of the respondents.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 1st respondent to consider and dispose of the petitioner's representation dated 31.05.2016, forwarded by the 2nd respondent to the 1st respondent in Na.Ka.326/2016 dated 10.06.2016, on merits and in accordance with law and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs.

AP

Sd/-
Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To

1.The Inspector of Labour
Cuddalore.

2.The Assistant Inspector of Labour
Chidambaram, Cuddalore District.

+1 CC Mr.K.Shanmugam Advocate SR.No.72109

+1 CC Government Pleader SR.No.72225

WP.No.42740/2016

MV [CO]

MSI 23/01/2017