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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.09.2016
C O R A M
THE HONOURABLE DR.JUSTICE S.VIMALA
Writ Petition (MD) Nos.17748 to 17751 of 2016

1.S.Saravanan .. Petitioner in W.P.(MD)No.17748 of 2016

2.N.Mamandi .. Petitioner in W.P.(MD)No.17749 of 2016

3.A.Ganesan .. Petitioner in W.P.(MD)No.17750 of 2016

4.K.Amutha .. Petitioner in W.P.(MD)No.17751 of 2016

-Vs-

1.The District Elementary Educational Officer,
O/o. the District Elementary Educational Office,
Collectorate, Sivagangai District.

2.The Assistant Elementary Educational Officer,
O/o.the Assistant Elementary Educational Office,
S.Pudur, Sivagangai District - 630 410.
.. Respondents in all the writ petitions

Prayer in W.P.(MD)Nos.17748 and 17750 of 2016: Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondent No.2 to provide Annual Increment to the Petitioner due from 01.04.2016 and 01.07.2015 respectively, along with arrears and other monetary benefits by way of re-fixing the scale of pay of the Petitioner within a stipulated time.

Prayer in W.P.(MD)No.17749 of 2016: Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondent No.2 to re-fixing the scale of pay of the petitioner from 19.06.2014 for the post of B.T.Assistant (English) and Provide Annual Increment due from 01.07.2015 along with arrears and other monetary benefits by way of re-fixing the scale of pay of the Petitioner within a stipulated time.

Prayer in W.P.(MD)No.17751 of 2016: Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondent No.2 to provide incentive increments to the petitioner for the qualification of B.A., B.Ed., and M.A.(Tamil) with effect from 29.12.2013 and the Annual increments due from 01.04.2016 along with arrears and other monetary benefits by way of re-fixing the scale of pay of the Petitioner within a stipulated time.

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For petitioner in all the W.Ps. ... Mr.T.Lajapathi Roy

For Respondents in all the W.Ps. ... Mrs.S.Bharathi Government Advocate

C O M M O N O R D E R

This writ petition has been filed seeking direction to the second respondent to provide annual increments to the petitioners along with arrears and other monetary benefits by way of re-fixing the scale of pay of the Petitioner within a stipulated time.

2.Heard the learned counsel for the petitioners and the learned Government Advocate for the respondents.

3.The case of the petitioners is that they were appointed as Secondary Grade teachers at the respective schools and thereafter, they were promoted as Headmasters. In the meanwhile, the petitioners sent representations to the second respondent to provide personal pay to them as per G.O.Ms.No.23, Finance (Pay Cell) Department, dated 12.01.2001,. Accordingly, they were paid personal pay along with their salary till today.

4.In the meanwhile, the second respondent passed recovery orders stating that the petitioners were paid personal pay against the guidelines of G.O.Ms.No.23, dated 12.01.2001, without any notice or opportunity of hearing to them. The said recovery orders were challenged before this Court in W.P.(MD) Nos.14525; 14528; 14527 and 14528 of 2015 and this Court was pleased to grant interim stay on the ground that there is no notice or opportunity of hearing was given to the petitioners.

5.Thereafter, the second respondent refused to provide the annual increments to the petitioners. Hence, the petitioners sent representation dated 01.07.2016. Since the same has not been considered, the petitioner has filed this writ petition.

6.Considering the above facts and circumstances of the case, the second respondent is directed to consider the representation of the petitioners dated 01.07.2016, and to pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(Writs)

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Sub Assistant Registrar

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To

1.The District Elementary Educational Officer,
O/o. the District Elementary Educational Office,
Collectorate, Sivagangai District.

2.The Assistant Elementary Educational Officer,
O/o.the Assistant Elementary Educational Office,
S.Pudur, Sivagangai District - 630 410.

+1 cc to the Spl.Govt.Pleader in SR 53920
+2 cc to Mr. T.Lajapathi Roy, Advocate in SR Nos.53783, 53784

Writ Petition (MD) Nos.17748 to 17751 of 2016
19.09.2016

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