



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.20972 of 2016

S.Ulaganathan

:Petitioner

Vs.

1.The Chief Educational Officer,
Tirunelveli District.

2.The District Educational Officer,
Tirunelveli.

3.The Correspondent,
Cathedral Higher Secondary School,
Palayamkottai, Tirunelveli.

:Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 2 and 3 to pay all salary benefits and other monetary benefits from the date of the petitioner's regularization 01.09.2007, vide, his representation dated 22.07.2016.

For Petitioner : Mr.D.Saravanan

For Respondents 1 and 2: Mr.M.Murugan,
Government Advocate.

For R3 : Dispensed with.

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to pay all salary benefits and other monetary benefits from the date of the petitioner's regularization, namely, 01.09.2007, by considering his representation dated 22.07.2016.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate, who took notice for the respondents 1 and 2. Having regard to the limited prayer sought for in this writ petition, notice to the third respondent is dispensed with.

3.0.The case of the petitioner is that the petitioner possessed of the qualification of pass in 8th Standard. He was initially appointed as a marker in the third respondent school. Since there was no such sanctioned post, his service was regularised from 01.09.2007 and his salary was fixed by the order dated 16.04.2008. From his appointment date i.e., 01.11.1996, Rs.150/- per month was paid as salary. Thereafter, from 01.09.1997

on wards Rs.50/- was increased. But the above service was not taken into account.

3.1.Claiming arrears of salary for the period from 01.10.1998 to 01.09.2007, the petitioner filed W.P(MD)No.6828 of 2009 and W.A (MD)No.1326 of 2013 and the same were dismissed on the ground that he was appointed only as a marker and the same is neither approved post nor sanctioned post and the same was classified as unapproved adhoc employment. However, later the service of the petitioner has been regularised w.e.f. 01.09.2007. The petitioner is claiming arrears and other benefits only from 01.09.2007 and not before that date. Therefore, he made a representation to the respondents on 22.07.2016 and the same was not considered. Therefore, this writ petition has been filed.

4.The learned counsel for the petitioner would submit that the representation sent by the petitioner on 22.07.2016 has been forwarded by the first respondent to the second respondent and the second respondent must be directed to act upon the communication sent by the first respondent to the second respondent, while forwarding the representation of the petitioner, dated 22.07.2016.

5.The learned Government Advocate appearing for the respondents 1 and 2 would submit that it is agreeable for the second respondent to consider the representation of the petitioner in the light of the recommendation made by the first respondent and to pass appropriate orders within a period of four weeks.

6.Recording the submission made by the learned Government Advocate appearing for the respondents 1 and 2, the second respondent is directed to consider the representation of the petitioner dated 22.07.2016 in the light of the recommendation made by the first respondent and pass appropriate 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.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS)

To

1.The Chief Educational Officer, Tirunelveli District.

2.The District Educational Officer, Tirunelveli.

+1cc to the Special Government Pleader, in SR.66045

+1cc to M/s.D.Saravanan, Advocate in SR.65350

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