



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.22137 of 2016

K.John Rose

: Petitioner

Vs.

1.State of Tamil Nadu rep. by
the Secretary to Government,
Education Department,
Fort St. George, Chennai - 600 009.

2.The Director of School Education,
Office of Director of School Education,
Chennai - 600 006.

3.The Director of Elementary Education,
Chennai - 6.

4.The District Elementary Educational Officer,
Nagercoil, Kanyakumari District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to grant the scale of pay applicable to the Primary School Headmaster to the petitioner from the date of his appointment as Headmaster in Primary School consequently revise his scale of pay, retirement and pensionary benefits to the petitioner on the basis of the representation dated 06.05.2015.

For Petitioner : Mr.R.Joseph Thankaraj

For Respondents : Mr.V.R.Shanmuganathan,
Special Government Pleader.

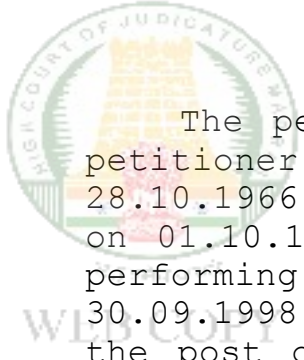
O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to grant the scale of pay applicable to the Primary School Headmaster, to the petitioner from the date of his appointment as Headmaster in Primary School.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The brief facts leading to the filing of this writ petition are as follows:



The petitioner is a retired Primary School Headmaster. The petitioner was appointed as a Secondary Grade Teacher on 28.10.1966. Thereafter, he was promoted as Middle School Teacher on 01.10.1970. He has been transferred by promotion and he was performing duty as Primary School Headmaster from 04.06.1997 to 30.09.1998. The post of Headmaster is filled up by promotion from the post of Secondary Grade Teacher. Though he was eligible to the scale of pay of the Primary School Headmaster, he has drawn the pay in the scale of pay of Secondary Grade Teacher at the time of his retirement. He retired from service on 30.09.1998. So contending, the petitioner has sent a representation dated 06.05.2015 to the respondents. As the representation is not considered, this writ petition has been filed.

4.The learned Special Government Pleader would submit that it is agreeable for the third respondent to consider the representation of the petitioner and to pass appropriate orders within a period of six weeks.

5.Recording the submission made by the learned Special Government Pleader for the respondents, the third respondent is directed to consider the representation of the petitioner dated 06.05.2015 and pass orders on merits and in accordance with law, within a period of six weeks, from the date of receipt of a copy of this order.

6.With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Secretary to Government,
Education Department,
Government of Tamil Nadu, Fort St. George, Chennai - 600 009.
- 2.The Director of School Education,
Office of Director of School Education, Chennai - 600 006.
- 3.The Director of Elementary Education, Chennai - 6.
- 4.The District Elementary Educational Officer,
Nagercoil, Kanyakumari District.

+One cc to Mr.R.Joseph Thankaraj, Advocate, SR.No.70395

+One cc to The Special Government Pleader, SR.No.70606

RL/7C/2P/KM/30.11.2016

ORDER MADE IN
W.P (MD) No.22137 of 2016
(1/3)