



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2016

CORAM :

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

Writ Petition (MD) No.5559 of 2016

M.Govindarajan

... Petitioner

Vs.

1.The Joint Director of School Education,
Higher Secondary,
Nungambakkam High Road,
Nungambakkam,
Chennai.

2.The Chief Educational Officer,
Trichirappalli.

3.The District Educational Officer,
Trichirappalli.

4.The Secretary,
Sevan Sangam Girls Higher Secondary School,
Trichirappalli 1.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 3rd respondent to pay the Special Grade Pay to the petitioner in the Special Grade from 1.4.2010 to date until the another Grade of pay that may set in on the recommendation of the Government.

For Petitioner : Mr.V.Singan,

For Respondents 1-3 : Mr.V.Muruganandam,

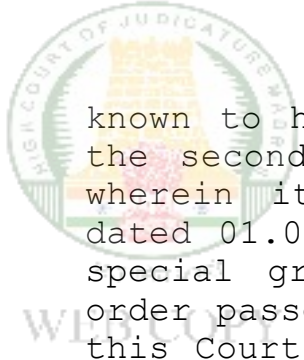
Additional Government Pleader.

ORDER

The petitioner has come up with the above writ petition seeking for the issue of a writ of mandamus, to direct the third respondent to pay the Special Grade Pay to the petitioner in the Special Grade from 1.4.2010 to till date until another Grade of pay that may set in on the recommendation of the Government.

2.Heard the learned counsel for the petitioner. Mr.V.Muruganandam, learned Additional Government Pleader takes notice for the respondents.

3.It is seen that the petitioner has already filed a writ petition in W.P(MD)No.3498 of 2014 seeking for the very same relief as prayed for in this writ petition and the said writ petition was withdrawn by the petitioner for the reasons best



known to him. It is further seen that there is a proceedings of the second respondent in Mu.Mu.No.2221/A4/2013, dated 02.05.2013 wherein it has been specifically stated as per G.O.Ms.No.234, dated 01.06.2009, the petitioner is said to be entitled for the special grade pay. While so, instead of following up the said order passed by the second respondent, the petitioner had come to this Court with the same prayer for a direction to the respondent to pay special grade pay. According to him, it was withdrawn on 23.02.2016 as the respondents agreed to implement the order dated 02.05.2013.

4. Thereafter, it is not known whether there was any communication between the petitioner and the respondents. He only simply has averred in paragraph 5 of the affidavit that they had orally promised the petitioner to pay promotional pay on the basis of G.O.Ms.No.234, dated 01.06.2009. When there is an order in writing dated 02.05.2013, the averment made in paragraph 5 cannot be accepted. Therefore, it is always open to the petitioner to follow up the proceedings of the second respondent dated 02.05.2013 instead of filing frivolous writ petition before this Court. Further, as the said prayer sought for has already been given up by the petitioner in W.P(MD)No.3478 of 2014 on his own volition without reserving any right, this writ petition is liable to be dismissed. Accordingly, the writ petition is dismissed. No costs.

Sd/

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

sms

To

1. The Joint Director of School Education,
Higher Secondary,
Nungambakkam High Road,
Nungambakkam, Chennai.

2. The Chief Educational Officer,
Trichirappalli.

3. The District Educational Officer,
Trichirappalli.

+1cc to Special Government Pleader in Sr No.16018

CN/SKS-RR/6.04.2016/2P-5C

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