



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2016

CORAM :

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.6383 of 2016

A.Syed Ibrahim Shaw

... Petitioner

Vs.

1. The District Elementary Education Officer,
Virudhunagar District,
Virudhunagar.

2. The Additional Assistant Elementary
Educational Officer, Kariyapatti Union,
Kariyapatti, Virudhunagar District.

3. The Headmaster,
Panchayat Union Middle School,
Pappanam, Kariyapatti Union,
Virudhunagar District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 3rd respondent to send his proposal to the 2nd respondent immediately and on receipt of the same the 2nd respondent to be directed to sanction and disburse salary to the petitioner by refixing the scale of pay after reckoning his previous service rendered in Hajee P.Syed Mohamed Higher Secondary School Virudhunagar (from 03.06.2004 to 07.10.2010) and on the basis of last drawn pay there in the light of the order dated 01.04.2011 in W.P.No.7627 of 2006 and in the light of the orders of Assistant Elementary Educational Officer, Vellore vide proceedings Na.Ka.No.394/A1/2011, dated 28.01.2011 and Assistant Elementary Educational Officer, Sivagangai vide proceedings Na.Ka.No.3033/A1/13, dated 05.2013 within a time frame fixed by this Court.

For Petitioner

: Mr.C.Arul Vadivel Alias Sekar

For Respondents

: 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 send his proposal to the second respondent and on receipt of the same, the second respondent to be directed to sanction and disburse salary to the petitioner by refixing the scale of pay after reckoning his previous service rendered in Hajee P.Syed Mohamed Higher Secondary School, Virudhunagar and other benefits.

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

3.It is stated that the service rendered by the petitioner nearly about 4 years and four months in the approved post in the aided school has to be calculated for fixing the scale of pay and he should be placed in the scale of pay of Rs.13,070/- instead of Rs.9,300/-. Therefore, he sent representation dated 05.10.2015 to the second respondent seeking for the above said relief which is still pending. Hence, the petitioner has come up with the above writ petition.

4.Considering the above said facts and circumstances and without going into the merits of the case, the writ petition is disposed of directing the third respondent to send proposal for refixation of scale of the petitioner to the second respondent, if it is otherwise in order within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(P&A)

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Elementary Education Officer,
Virudhunagar District,
Virudhunagar.

2. The Additional Assistant Elementary
Educational Officer, Kariyapatti Union,
Kariyapatti, Virudhunagar District.



3. The Headmaster,
Panchayat Union Middle School,
Pappanam, Kariyapatti Union,
Virudhunagar District.

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+1cc to the Special Government Pleader, Sr.No.18587

+1cc to Mr.C.Arul Vadivel @ Sekar, Advocate, Sr.No.18275

sms

JM/GSV-PM/22.04.2016/3P-6C

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