

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4394 of 2017

P.Vijayalakshmi

... Petitioner

Vs

1.The Government of Tamilnadu,
Rep. By its Secretary to Government,
School Education Department,
Fort St.George, Chennai-9.

2.The Director of School Education,
College Road,
Chennai-6.

3.The Chief Educational Officer,
Vellore,
Vellore District.

4.The Head Master,
Government Hr.Sec. School,
Nellorepettai, Gudiyatham,
Vellore District.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to pay the grade pay arrears from 01.01.1996 to 31.12.2005 as per the petitioner's representation dated 30.07.2015.

For Petitioner : Mr.M.Thamizhavel

For Respondent : Mr.R.A.S.Senthilvel
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.R.A.S.Senthilvel, , learned Additional Government Pleader accepts notice for the respondents.

2. The petitioner is the wife of late Prasad Reddy and he was appointed as Secondary Grade Teacher at Government Higher Secondary School, Sempalli, Vellore District on 16.08.1963 and while he was working in the above school, he was awarded Selection Grade and Special Grade and Grade pay and he got promotion as Head Master and transferred to Government Higher Secondary School, Nellorepettai and then he retired from service on 31.01.2000 and he drawn salary Rs.4150/-.

3. It is the case of the petitioner that as per the Office Memorandum dated 28.01.2013 issued by the Department of Pension and Pensioners' Welfare, Ministry of Personnel, PG and Pensions, Government of India in F.No.38/37/08-P&PW(A), the grade pay shall also be taken into consideration for pension purpose. In this regard, the petitioner also submitted representation dated 30.07.2015 to the respondent for conferment of the said benefit. Since no orders have been passed, the petitioner came forward to file this writ petition.

4. Mr. Thamizhavel, learned counsel appearing for the petitioner would submit that in similar cases, this court passed orders dated 12.10.2015, 11.01.2016 and 29.09.2016 in W.P.Nos.32427 of 2015, 872 of 2016 and W.P.Nos.34239 to 34263 of 2016 respectively directing the concerned respondent to consider the representation and pass orders and therefore prays for similar relief.

1. Per contra, Mr. R.A.S. Senthilvel, learned Additional Government Pleader appearing for the respondent would submit that the husband of the petitioner retired from service as early as on 31.01.2000 and she belatedly approached this court by filing this writ petition. He further contends that since the claim of the petitioner is hit by delay and laches, the petitioner is not entitled to any relief and prays for dismissal of the writ petition.

5. This Court considered the rival submissions and perused the typed set of documents.

6. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the

petitioner, either in the representation or in the writ petition, permits the petitioner to submit one more fresh representation to the respondents 1 to 4 within a period of four weeks from the date of receipt of a copy of this order and upon receipt of the same, the respondents 1 to 4 are directed to consider and dispose of the same on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Government of Tamilnadu,
Rep. By its Secretary to Government,
School Education Department,
Fort St.George, Chennai-9.
- 2.The Director of School Education,
College Road,
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Vellore,
Vellore District.
- 4.The Head Master,
Government Hr.Sec. School,
Nellorepettai, Gudiyatham,
Vellore District.

+1cc to the Government Pleader Sr.12160
+1cc to Mr.M.Thamizhavel, Advocate Sr.11548

W.P.No.4394 of of 2017

rr[co]
srg 9/3/2017