

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

W.A.No.1555 of 2017

V.L.Shafeequa Banu

... Appellant

vs.

- 1.The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The Director of Elementary Education,
DPI Compound,
College Road, Chennai - 600 006.
- 3.The District Elementary Educational Officer,
Vellore - 600 004.
- 4.The Assistant Elementary Educational Officer,
Mathanoor,
Vellore District - 635 804.
- 5.The Accountant General,
361, Anna Salai,
Chennai - 600 018.
- 6.The Correspondent,
Ishathul Hasnath Aided Primary School,
Mohamed Pura 1st Street,
Ambur - 635 802.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 20.07.2017 passed by a learned Single Judge of this Court in W.P.No.18440 of 2017.

W.P.No.18440 of 2017:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the

respondents 1 to 6 to pay to the petitioner the revised salary as applicable to special Grade Headmistress (Primary School) on and from July 1995 till retirement dated 31.05.2008 in terms of various proceedings and G.O.Ms.No 216 dated 30.12.2011 together with all further benefits attached thereto viz. revised pension arrears is pension commutation and gratuity based on the Revised pay of the petitioner with effect from 1.6.2008 with interest @ 12% per annum

For Appellant : Mr.P.Chandrasekaran
For Respondents : Mr.R.Prathapkumar, AGP

JUDGMENT

(Judgment of the Court was made by HULUVADI G. RAMESH, J.)

Heard Mr.P.Chandrasekaran, learned counsel for the appellant and Mr.R.Prathapkumar, learned Additional Government Pleader, taking notice for the respondents.

2.Challenging the correctness of the order passed by a learned Single Judge, the writ petitioner has filed this writ appeal.

3.The writ petitioner joined as a Secondary Grade Teacher on 17.01.1974. On completion of ten years of meritorious service, she got selection Grade on 17.07.1985. Thereafter, she was promoted as Headmistress in a Primary School, on 01.06.1995 and she retired from service on attaining the age of superannuation on 31.05.2008. According to the writ petitioner, she is eligible to get revised salary as applicable to special Grade Headmistress from the date on which she was promoted as Primary School Headmistress, based on G.O.Ms.No.216 School Education (G2) Department dated 30.12.2011. Claiming the said benefit, she preferred a writ petition in W.P.No.18440 of 2017.

4.By the impugned order, the learned Single Judge, following the judgment of a Full Bench of this Court reported in (2017) 2 MLJ 257 (FB) : LNINDORD 2016 MAD 510 [Government of Tamil Nadu, rep. by the Secretary and others v. G.Eswaran and others], in which, one of us (Huluvadi G. Ramesh, J.) was a member, dismissed the writ petition, observing thus:

"The Hon'ble Full Bench made it clear that no fresh writ petition would be entertained on and from 9th December, 2016. Admittedly, the writ petition on hand were filed after 9th December, 2016. Thus, this

writ petition cannot be entertained in view of the time limit prescribed by the Hon'ble Full Bench of this Court."

5.We are of the view that the issue involved in this writ appeal is no longer res integra and is duly covered by the decision of the Full Bench as relied on by the learned Single Judge. Accordingly, the learned Single Judge dismissed the writ petition on the ground of delay and laches.

6.We do not find any reason to interfere with the impugned order of the learned Single Judge.

7.Accordingly, this writ appeal stands dismissed. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rk

To

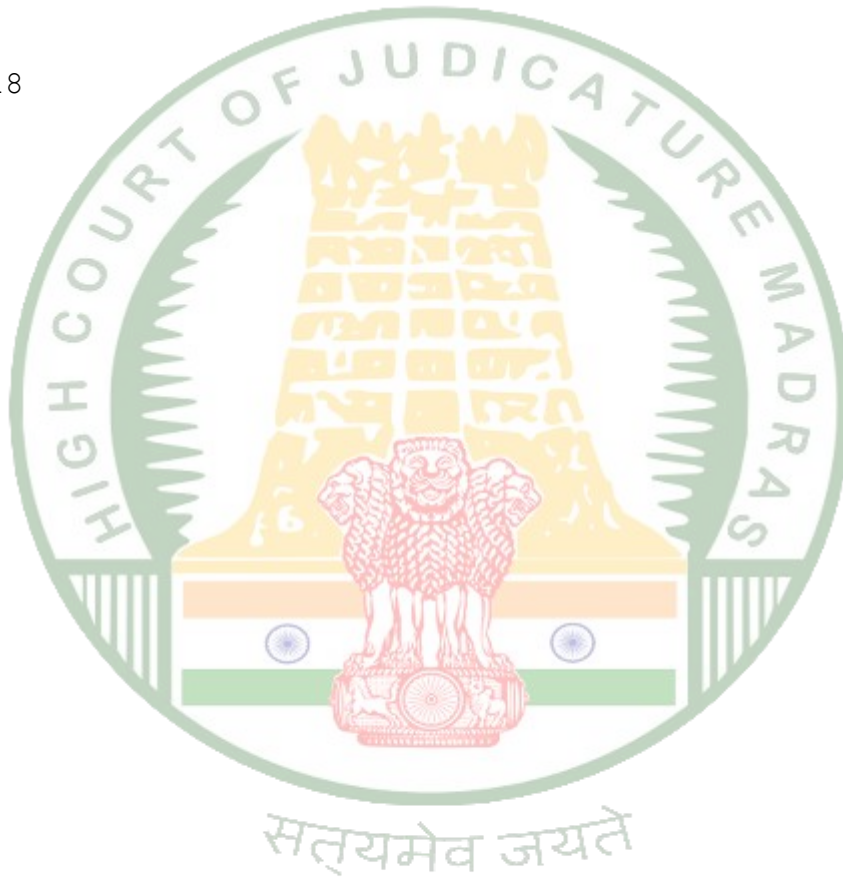
1. The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director of Elementary Education,
DPI Compound,
College Road, Chennai - 600 006.
3. The District Elementary Educational Officer,
Vellore - 600 004.
4. The Assistant Elementary Educational Officer,
Mathanoor,
Vellore District - 635 804.
5. The Accountant General,
361, Anna Salai, Chennai - 600 018.

6. The Correspondent,
Ishathul Hasnath Aided Primary School,
Mohamed Pura 1st Street,
Ambur - 635 802.

+1cc to M/s.C.Johnson, Advocate in sr.89403
+1cc to Government Pleader, in sr.89707

W.A.No.1555 of 2017

kan(co)
cs/23/01/18



WEB COPY