

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4926 of 2017

S.Amuthavalli

... Petitioner

vs.

1.The Government of Tamil Nadu,
Rep by it 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,
Municipal Higher Secondary School,
Gudiyatham,
Vellore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to pay Grade Pay arrears from 01.01.1996 to 31.12.2005 as per the petitioner's representation dated 30.07.2016.

For Petitioner

:Mr.M.Thamizhavel

For Respondents

:Mr.V.Anandamoorthy,
Additional Government Pleader
(Education)

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner would aver that her husband, namely S.Sundaram was appointed as Secondary Grade Teacher at Municipal Higher Secondary School, Gudiyatham and Vellore District on 06.12.1966 and he was conferred with the benefit of Selection Grade on 05.12.1976 and he was promoted as Tamil Pandit and awarded Special Grade on 27.02.1980 and he retired from service on 30.06.2002 and his last drawn pay was Rs.8,500/-. The petitioner would further submit that as per official memorandum dated 28.01.2013 in F.No.38/37/08-P&PW(A), Government of India, Ministry of Personnel, PG & Pensions, Department of Pension and Pensioners' Welfare, Grade Pay is to be taken into consideration for pensionary purpose and in this regard, the petitioner has also submitted a representations dated 03.08.2015 and 30.07.2016 to the first respondent and since no order has been passed, came forward with this writ petition.

3. The learned counsel appearing for the petitioner would submit that in similar facts and circumstances, this Court has disposed of the following writ petitions:

(i) Order dated 12.10.2015 made in W.P.No.32427 of 2015 [R.Sri Raman v. The Government of Tamil Nadu, School Education Department, Chennai-9]

(ii) Order dated 11.01.2016 made in W.P.No.872 of 2016 [T.R.Sadagopan v. The Government of Tamil Nadu, School Education Department, Chennai-9 and 3 others]

(iii) Common order dated 22.09.2016 made in W.P.Nos.34239 to 34263 of 2016 [K.R.Gopal and others v The Government of Tamil Nadu, School Education Department, Chennai-9 and Others]

and prays for appropriate orders.

4. Per contra, Mr.V.Anandamoorthy, learned Additional Government Pleader (Education) who accepts notice on behalf of the respondents would submit that the husband of the petitioner retired from service on 30.06.2002 and the petitioner herself is aged about 70 years and since her claim is hopelessly barred by limitation and also due to delay and laches, prays for dismissal of this writ petition.

5. This Court has considered the rival submissions and also perused the entire materials available on record.

6. Though the petitioner prays for 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, directs the first respondents to consider and dispose of the petitioner's representation dated 30.07.2016 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

jvm

To

1.The Secretary to Government,
The Government of Tamil Nadu,
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.

+1cc to the Government Pleader Sr.13574
+1cc to Mr.M.Thamizhavel, Advocate Sr.12970

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rsy[co]
srg 10/3/2017