

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.02.2017
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.No.3386 of 2017
and W.M.P.No.3369 of 2017

Gudiannan

..Petitioner

Vs

1. The State of Tamil Nadu
rep. by the Secretary to Government,
Finance (CMPC) Department,
Fort St.George,
Chennai - 600 009.
2. The District Elementary Education Officer,
Vellore District.
3. The assistant Elementary Educational Officer,
Thirupathur, Vellore District. ..Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent made in G.O.Ms.No.311 Finance (CMPC) department dated 31.12.2014 and quash the portion in which it is given effect to prospectively and consequently direct the respondents to sanction the increment which was not sanctioned on 01.04.2005 to the petitioner by extending the benefits granted by the Government in G.O.Ms.No.311 Finance (CMPC) department.

For Petitioner : Mrs.Selvi George

For Respondents: Mr. V.Dhananjayan,
Special Government Pleader.

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner, who is now aged about 70 years had retired from service as a Middle School Headmaster as early as on 30.06.2005, came forward to file this writ petition on the ground that the concession of sanction of notional increment has been accorded with prospective effect from the date of the Government Order in G.O.Ms.No.311 Finance (CMPC) Department

dated 31.12.2014 and in this regard, he has also submitted a representation dated 22.09.2016 to the 3rd respondent and since no orders have been passed, he came forward to file this writ petition.

3. Learned counsel for the petitioner would submit that though a challenge has been made to the above cited Government Order, it would be suffice to permit the petitioner to submit one more representation to the respondents 1 to 3 and on receipt of the same, they may be directed to pass orders.

4. Per contra, Mr.K.Dhananjayan, learned Special Government Pleader who accepts notice on behalf of the respondents would submit that the petitioner is making a stale claim nearly after 12 years from the date of retirement and prays for dismissal of the writ petition.

5. 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, permits the petitioner to submit one more representation to the respondents 1 to 3 along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the respondents 1 to 3 are directed to consider the said representation in accordance with law and pass orders within a further period of twelve weeks thereafter and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

To

1. The Secretary to Government,
Finance (CMPC) Department,
Fort St.George, Chennai - 600 009.
2. The District Elementary Education Officer,
Vellore District.
3. The Assistant Elementary Educational Officer,
Thirupathur, Vellore District.

+1 cc to Mrs.Selvi George Advocate sr 9632
+1 cc to the Government Pleader sr 9194

W.P.No.3386 of 2017

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