

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2017

CORAM

The Hon'ble Mr. Justice D. Krishnakumar

W.P.No.930 of 2011

M.Sundaram

..Petitioner

Vs

1. Government of Tamil Nadu
rep. by Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George, Chennai -600 009.
2. The Accountant General (Accounts and
Entitlements) 361, Anna Salai,
Chennai - 600 018.
3. The District Educational Officer,
Vellore -632 001, Vellore District. ... Respondents

PRAYER: -

This Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for records relating to the impugned order of the third respondent, in O.Mu.No.4630/A5/2010, dated 17.09.2010, and to quash the same and to direct the respondents 2 and 3 to fix the petitioner's pay in the revised scales of pay by including the personal pay of Rs.500/- multiplied by a factor of 1.86 as per Rules 2 (ii) (a) Note (ii) and 4 (1) (i) of the Tamil Nadu Revised Scales of Pay Rules, 2009 and to grant all consequential benefits to the petitioner.

For petitioner : Mr. P.Rajendran

For Respondents 1 & 3: Mr.S.Navaneetham
Additional Government Pleader

For Respondent -2 : Mr.T.Ravi Kumar

O R D E R

This Writ Petition has been filed by the petitioner, praying for issuance of a writ of certiorarified mandamus to quash the impugned order passed by the third respondent, dated 17.09.2010 and to direct the respondents 2 and 3 to fix the

petitioner's pay in the revised scales of pay by including the personal pay of Rs.500/-, as per Rules 2 (ii) (a) Note (ii) and 4 (1) (i) of the Tamil Nadu Revised Scales of Pay Rules, 2009 and to grant all consequential benefits to the petitioner.

2. Today, when the Writ Petition is taken up for hearing, the learned counsel for the second respondent produced a circular, dated 29.07.2011, issued by the Government, and submitted that, the earlier Government Letter, bearing No.45113/Pay Cell/2009-1, Finance Department, dated 17.08.2009, has been clarified, and in view of such clarification, the Headmasters, who are all promoted after 1.1.2006 and opted to come over to the revised scales of pay on the date of promotion prior to 1.6.2009 are entitled to have their pay fixed by taking into account the personal pay drawn by them in the pre-revised scales of pay. The learned counsel, therefore, submitted that the relief sought for by the petitioner in this Writ Petition is covered. All that, the petitioner require to do is to make a fresh application before the third respondent, who may be directed to consider the same and submit his proposal to the second respondent, who will pass appropriate orders. The learned counsel for the second respondent also furnished a copy of the said Government letter to the learned counsel for the petitioner for his reference.

3. In view of the afore cited Government Letter, dated 29.07.2011, and keeping in view the submission of the learned counsel for the second respondent, the present Writ Petition is disposed of, by directing the petitioner to make an application to the third respondent by enclosing a copy of this order within a period of two weeks from the date of receipt of a copy of this order. As and when such an application is made, the District Educational Officer/third respondent is directed to consider the same on merits and in accordance with law in the light of the aforesaid letter issued by the Government, dated 29.07.2011, and shall forward a proposal to the second respondent within a period of 4 months thereafter, who in turn, shall consider the same and pass appropriate orders as expeditiously as possible.

4. The Writ Petition is disposed of, as indicated above. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sd

To

1. The Secretary to Government,
Government of Tamil Nadu
Finance (Pay Cell) Department,
Fort St. George, Chennai -600 009.
2. The Accountant General (Accounts and
Entitlements) 361, Anna Salai,
Chennai - 600 018.
3. The District Educational Officer,
Vellore - 632 001, Vellore District.

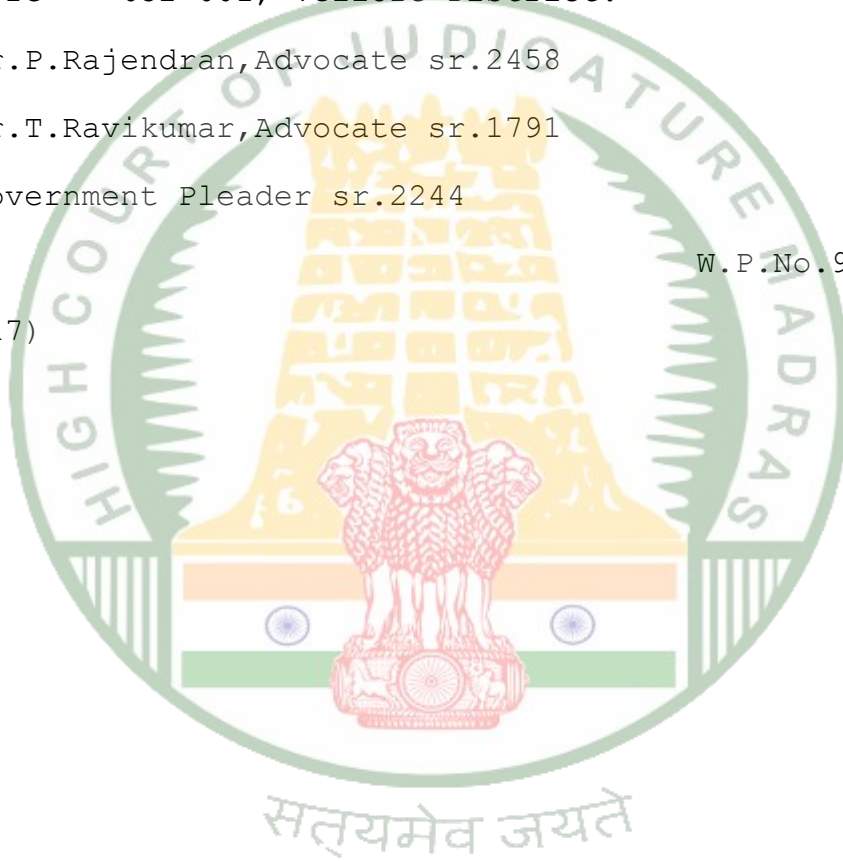
+1cc to Mr.P.Rajendran,Advocate sr.2458

+1cc to Mr.T.Ravikumar,Advocate sr.1791

+1cc to Government Pleader sr.2244

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ss(2/3/2017)

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