

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.01.2017

Coram

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.44434 of 2016

and

W.M.P.No.38275 of 2016

K.Munusamy

...Petitioner

-Vs-

1. The Chief Educational Officer,
Dharmapuri District,
Dharmapuri.
 2. The Headmaster,
Government Higher Secondary School,
Theerthamalai,
Harur Taluk,
Dharmapuri District.
 3. The Regional Accounts Officer (Audit)
School Education Department,
Coimbatore - 641 001
- ... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents not to recover the amount granted as incentive increment and also not to refix the salary of the petitioner on the basis of audit objection made by the 3rd respondent in his proceedings No.Na.Ka.No.3272/E11/2012 dated 03.10.2012.

For Petitioner : Mr.J.Selvarajan
For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

O R D E R

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

2. The petitioner is working as Secondary Grade Assistant in Government Higher Secondary School, Theerthamalai, Harur Taluk, Dharmapuri District. According to him, even at the time of his initial appointment, he possesses the qualification of Master Degree in Tamil and he was granted the incentive increment for acquiring the said degree and the salary was also refixed accordingly.

3. The grievance expressed by the petitioner is that without putting him on notice, steps are being taken to recover the amount paid towards the incentive increment. In this regard, he submitted a representation dated 23.06.2016 to the respondents 1 to 3 through proper channel requesting them not to recover so and also drawn their attention to the judgment rendered by this Court reported in 2008(5) MLJ 1349 (R.Premakumari vs. State of Tamilnadu) and inspite of receipt of acknowledgement, it is yet to be given disposal. Hence, he came forward to file this writ petition.

4. Learned counsel appearing for the petitioner would submit that following the above cited judgement, the learned Single Judge, in the order dated 13.10.2014 made in W.P.No.7381/2007 (O.A.No.6369 of 2002) (G.Meenalochini vs. Chief Educational Officer, Trichy & 2 others) had granted the relief to the similarly placed person like that of the petitioner. Therefore, he prays for similar orders.

5. Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents would submit that the petitioner has not produced the acknowledgement for submitting the representation and as such the Mandamus cannot be issued directing the respondent to pass appropriate orders.

6. This Court considered the rival submissions.

7. 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 of the petitioner, permits the petitioner to submit one more representation to the respondents 1 to 3 along with a copy of this order as well as the copy of the earlier representation dated 23.06.2016 within a period of two weeks from the date of receipt of a copy of this order and the respondents on receipt of the same are directed to consider the same on merits and in accordance with law and pass orders within a period of six weeks thereafter and communicate

the decision taken to the petitioner and till such time, the respondents shall defer further proceedings as to the recovery of incentive increment already paid to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Chief Educational Officer,
Dharmapuri District, Dharmapuri.
2. The Headmaster,
Government Higher Secondary School,
Theerthamalai, Harur Taluk,
Dharmapuri District.
3. The Regional Accounts Officer (Audit)
School Education Department, Coimbatore - 641 001

+lcc to Mr.J. Selvarajan, Advocate, S.R.No.650
+lcc to the Government Pleader, S.R.No.224

nsn(CO)
md(19/01/2017)

सत्यमेव जयते Writ Petition No.44434 of 2016

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