

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-09-2017

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P. No.9700 of 2016

S.Thomas Durai

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by The Principal Secretary
to Government,
School Education Department,
Fort St. George,
Chennai-600 009.

2.The Director of School Education,
College Road,
Chennai-600 006.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to re-fix the petitioner's pay in the cadre of District Educational Officer/Inspector of Matriculation Schools with effect from 5.12.2011 granting the petitioner one increment and consequently re-fix the petitioner's salary and pensionary benefits.

For Petitioner : Ms.V.S.Manimekalai

For Respondents : Mr.C.C.Rangarajan,
Government Advocate.

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to re-fix the petitioner's pay in the cadre of District Educational Officer/Inspector of Matriculation Schools with effect from 5.12.2011 by granting the petitioner one increment and consequently re-fix the petitioner's salary and pensionary benefits.

2. The learned counsel for the writ petitioner made a submission that the writ petitioner was initially appointed as P.G. Assistant on 13.9.1979 and thereafter, promoted to the post of Higher Secondary School Headmaster and subsequently, to the

post of Inspector of Matriculation Schools/District Educational Officer. The writ petitioner had retired from service on attaining of the age of superannuation on 31.8.2012. However, the scale of pay of the writ petitioner was not fixed in accordance with the Rules and the Government Orders in force.

3. The learned counsel for the writ petitioner states that there is a pay anomaly in respect of fixation orders on account of erroneous interpretation of Government Orders by the authorities. Thus, the last pay drawn as applicable to the petitioner was not properly taken note of in accordance with the Pay Rules in force.

4. Thus, the writ petitioner has submitted his representation dated 8.9.2015 to the respondents to redress the grievances in respect of his pay fixation. However, the second respondent has not submitted any proposal in this regard.

5. Considering the submissions made by the learned counsel for the petitioner, the second respondent is directed to submit a proposal within a period of four weeks from the date of receipt of a copy of this order in this regard to the first respondent, based on the representation submitted by the writ petitioner on 8.9.2015 and the first respondent on receipt of the same, shall consider the case of the writ petitioner, on merits and in accordance with law and pass final orders, within a period of twelve weeks thereafter and communicate the same to the writ petitioner.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai-600 009.

2.The Director of School Education,
College Road, Chennai-600 006.

+ 1 cc to Government Pleader SR.67022

WP No.9700 of 2016

RSI (CO)

EU (09/10/2017)