

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.3464 of 2018
and W.M.P.Nos.4235 & 4236 of 2018

S.Mohan

..Petitioner

Vs

1.The Government of Tamil Nadu,
Rep. by Secretary to the Government,
Finance [Pay Cell] Department,
Fort St. George, Chennai-9.

2.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai-9.

3.The Director of School Education,
College Road, Chennai-6.

4.The Chief Educational Officer,
Thiruvarur District, Thiruvarur.

5.The Headmaster,
Government Boys Higher Secondary School,
Valangaiman, Thiruvarur.

6.The District Treasury Officer,
Thiruvarur District, Thiruvarur.

7.The Assistant Treasury Officer,
Valangaiman, Thiruvarur District.

.. Respondents

Writ Petition under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the 5th respondent issued in Na.Ka.No.156/2017 dated 04.12.2017 and issue a consequential direction to the respondents No.1 to 4 and 6 and 7 to accept the pay fixation done by the 5th respondent in his proceedings dated 23.11.2017 in Na.Ka.No.156/2017 in new revised pay introduced in

G.O.Ms.No.303 finance [Pay Commission Department dated 11.10.2017] and fix the petitioners pay accordingly from 1.1.2016 with notional effect and monetary benefit from 31.10.2017 and grant consequential benefits to the petitioner.

For Petitioner : Mr.R.Saseetharan
For Respondents : Mrs.P.Rajalakshmi
Addl. Government Pleader

O R D E R

This writ petition has been directed against the impugned order dated 04.12.2017 passed by the 5th respondent in Na.Ka.No.156/2017.

2.The impugned order dated 04.12.2017 passed by the 5th respondent against the petitioner refixing his scale of pay and sanctioned recovery of Rs.13,845/-. According to the petitioner, the said impugned order was passed without issuance of any notice calling for any explanation from the petitioner side.

3.Taking note of the fact that the impugned order which failed to mention issuance of very notice to the petitioner calling upon him to submit his explanation, instead of keeping the matter pending till filing of counter affidavit, this Court directs both the parties to treat that impugned order dated 04.12.2017 as notice and the petitioner is given two weeks time to submit his explanation from the date of receipt of a copy of this order. On receipt of the same, the 5th respondent shall consider and pass orders within a period of four weeks. Till then, the 5th respondent shall not proceed for refixation and recovery on the basis of the impugned notice.

The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Government of Tamil Nadu,
Finance [Pay Cell] Department,
Fort St. George, Chennai-9.

2.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai-9.

3.The Director of School Education,
College Road, Chennai-6.

4.The Chief Educational Officer,
Thiruvarur District, Thiruvarur.

5.The Headmaster,
Government Boys Higher Secondary School,
Valangaiman, Thiruvarur.

6.The District Treasury Officer,
Thiruvarur District, Thiruvarur.

7.The Assistant Treasury Officer,
Valangaiman, Thiruvarur District.

+1CC TO MR.R.Saseetharan, Advocate S.R.No.14906
+1cc to The Government Pleader S.R.No. 14503

W.P.No.3464 of 2018
and

W.M.P.Nos.4235 & 4236 of 2018

MP (CO)
RMP (21/03/2018)

सत्यमेव जयते

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