

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2018

CORAM:

THE HON'BLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P. No.15147 of 2018

Dr.N.Sankar

..Petitioner

Vs.

1. The Director of Collegiate Education,
College Road,
Chennai- 600 006.

2. The Secretary/Joint Director of
Collegiate Education,
Office of Joint Director of
Collegiate Education,
Madurai.

3. The Principal,
Yadava College,
Madurai-625 014.

..Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue WRIT OF MANDAMUS directing the first respondent to sanction the petitioner the Notional increment for the period worked by the petitioner in Foreign service from 01.11.2007 to 19.08.2011 in the light of the increment given to the similarly placed persons like Professor D.Christoper and Professor S.Karunakaran vide 1st respondent proceedings bearing No:44262/G4/2010 dated 31.05.2010 in order to get his fixation in seniority, scale of pay and all service and other monetary benefits accordingly based on the representation dated 28.08.2017.

For petitioner : Mr.E.Martin Jayakumar

For Respondent : Mrs.P.Kavitha (R1 and R2)
Government Advocate

O R D E R

This Writ Petition has been filed seeking for a direction to the first respondent to sanction the petitioner the Notional increment from 01.11.2007 to 19.08.2011 i.e., the period when he was on foreign service inasmuch as though the similarly placed

persons to him like Professor D.Christoper and Professor S.Karunakaran have been allowed the same vide the 1st respondent proceedings bearing No:44262/G4/2010 dated 31.05.2010 but the same has not been extended to him inspite of his representation dated 28.08.2017.

2. Mrs.P.Kavitha, learned Government Advocate takes notice for the first and second respondents.

3. By consent of both sides, this Writ Petition is taken up and disposed of at the time of admission itself.

4. The grievance of the petitioner is that while he was in service as Assistant Professor in the thred respondent College, he went on foreign service from 01.11.2007 and 19.08.2010 with the permission of the authority but services of such period was not counted towards increment though the same ought to have been notionally granted and consequential service benefits should have been extended to him. In this regard, he made a representation to the first respondent on 28.08.2017. Since, no orders have been passed on the said representation, the petitioner has come forward with this Writ Petition seeking for the aforesaid relief.

5. The learned counsel for the petitioner would submit that a direction may be issued to the first respondent to consider and pass orders on the representation of the petitioner, within a stipulated period.

6. In view of the nature of relief sought for by the petitioner, this Court is of the view that no useful purpose would be served in seeking counter affidavit from the respondents.

7. The learned Government Advocate who accepts notice on behalf of the respondents would submit that the respondents have no objection to consider and pass orders on the representation of the petitioner dated 28.08.2017, within stipulated period.

8. Hence, regard being had to the facts and submissions made, this Writ Petition is disposed of with a direction to the first respondent to take a informed and considered decision in accordance with law on the representation of the petitioner

dated 28.08.2017, if there is no other legal impediment for the same, within a period of six weeks from the date of receipt of a copy of this order, by speaking order and communicate the decision taken to the petitioner. However, it is made clear that this Court has not expressed any opinion on the merits of the representation. No costs.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

arr
To

1. The Director of Collegiate Education,
College Road,
Chennai- 600 006.
2. The Secretary/Joint Director of Collegiate Education,
Office of Joint Director of Collegiate Education,
Madurai.

+ 1 cc to Mr. E. Martin Jayakumar, Advocate Sr.39441
+ 1 cc to Mr. Government Pleader Sr.40916

W.P.No.15147 of 2018

(CS-DR)
EU(13/07/2018)

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