

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16.08.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.15675 of 2018 and
W.M.P.No.18612 of 2018

V.Adi Sakthi Sivabala Subramania Raja

....Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
School Education Department,
Secretariat, Chennai -600 009
2. The Director of School Education,
College Road,
Chennai -600 006
3. The Chief Educational Officer,
Villupuram District,
Villupuram

Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to rectify the Pay Anomaly of the petitioner on par with his Junior, namely, P.V.Ramamoorthy and refix the scale of the pay of the petitioner on par with his Junior, namely P.V.Ramamoorthy, in the post of B.T.Assistant (Tamil Pandit) Grade-I in the light of G.O.(Ms).No.57, Finance (Pay Cell-II) Dept., dated 29.01.1991 and consequently pay his entire retirement benefits and pension also with effect from the date of pay anomaly.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mrs.P.Kavitha,
Government Advocate

ORDER

The grievance of the petitioner in this writ petition is that though he has made representation dated 15.05.2018 to the second respondent indicating to step up his pay on par with his junior Mr.P.V.Ramamoorthy whose scale of pay was more than that

of him after V Pay Commission as his pay got reduced without even any notice from V Pay Commission dated 27.06.1989 onwards, but the same has not been considered yet. Hence, he came to file the writ petition challenging such inaction and seeking a writ of mandamus to the first respondent to dispose of his representation in a time bound manner.

2. In spite of opportunities given, no counter affidavit has been filed. However, the learned Government Advocate appearing for the respondents submits that the first respondent shall have no objection to take a decision if the proposal is received from the second respondent and as such the second respondent be directed to transmit such representation with necessary proposal regarding legal entitlement of the petitioner for consideration, to the first respondent.

3. Therefore considering the aforesaid facts and submissions made, this Court disposes of this writ petition without seeking any reply affidavit with the direction to the second respondent to consider the representation of the petitioner for submitting the proposal regarding his entitlement to step up of his pay and if he finds that the same to have merit, submit such proposal to the first respondent within a period of three weeks from the date of receipt of a copy of this Order.

4. Needless to say that on receipt of such proposal, the first respondent shall take an informed and considered decision on the same in the manner known to law within a period of four weeks on receipt of such proposal.

5. With the aforesaid order, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, Chennai -600 009

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

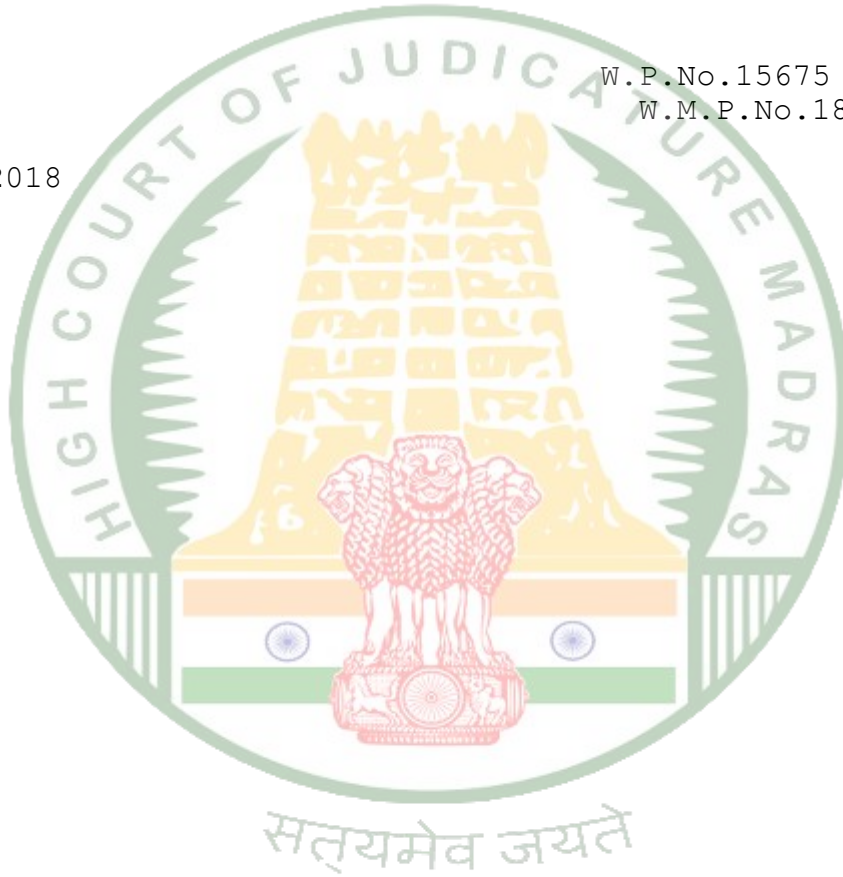
3. The Chief Educational Officer,
Villupuram District,
Villupuram

+1cc to Government Pleader sr.no.56839

+2cc to Mr.R.Jayaprakash, Advocate sr.no.50582, 56635

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nr 05/09/2018



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