

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.06.2018
Coram

The Hon'ble Mr.Justice Satrugana Pujahari

Writ Petition No.23315 of 2016

Mrs. R.Jayamani

...Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
School Education M-1, 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, for issuance of Writ of Mandamus directing the respondents to fix for the petitioner, the selection grade of pay at Rs.1640-2900 with effect from 01.06.1988, and corresponding special grade of pay at Rs.2000-60-2300-75-3200 as per G.O.Ms. No.216 dated 22.03.1993 and G.O.Ms.No.304 dated 28.03.1990 issued by the Finance (Pay Commission) Department from 01.06.1988.

For Petitioner : Mr.D.Prabhu Mukunth Arunkumar
For Respondents : Mrs.P.Kavitha
Government Advocate.

सत्यमेव जयते
O R D E R

Heard Mr.D.Prabhu Mukunth Arunkumar, the learned counsel appearing for the petitioner and Mrs.P.Kavitha, the learned Government Advocate appearing on behalf of the respondents.

2. The grievance of the petitioner, in this case, is that the petitioner, though entitled to the benefit of the Government Orders issued by the Finance (Pay Commission) Department, vide G.O.Ms.No.304 dated 28.03.1990 and G.O.Ms. No.216 dated 22.03.1993 with regard to the grant of Selection Grade/Special Grade by the respondents, the said benefit has not been extended to her, inspite of her representation made to the respondents on

05.12.2013. Thus, aggrieved by the inaction on the part of the respondents, the petitioner has come to this Court seeking issuance of a writ of mandamus to the respondents to act in accordance with law.

3. At the outset, the learned counsel appearing for the petitioner points that the issue involved in this Writ Petition is no longer res integra, as it is governed by a decision of the Hon'ble Full Bench of this Court, in re (Government of Tamil Nadu and others Vs. G.Eswaran and others) in R.A.No.227 of 2015, dated 09.12.2016, reported in [(2017) 2 LLN 241 (Mad)], and as such, the respondents may be directed to extend such benefit to the petitioner by considering the representation filed in this regard.

4. The learned Government Advocate appearing for the respondents though has not filed counter affidavit, fairly admits that the petitioner is entitled to such benefit, as such, the representation would be considered in the light of the aforesaid covered decision within a stipulated period, if the petitioner is otherwise, eligible to.

5. Considering such submission of the learned counsel appearing for the parties, this Court disposes of the Writ Petition with a direction to the respondents to examine the representation of the petitioner and take an informed and considered decision on such representation, extending the benefit of the aforementioned Government Orders in the light of the ratio decidendi laid down by the Hon'ble Full Bench of this Court, in R.A.No.227 of 2015, dated 09.12.2016 reported in [(2017) 2 LLN 241 (Mad)] within a period of eight weeks from the date of receipt of a copy of this order. However, it is made clear that the observation of this Court could not be treated as mandate to grant the benefit to the petitioner, unless, the petitioner's case is covered by the aforesaid decision of this Court. No costs.

Sd/-
Assistant Registrar (CS VI)

//True copy//

Sub Assistant Registrar

sd

To

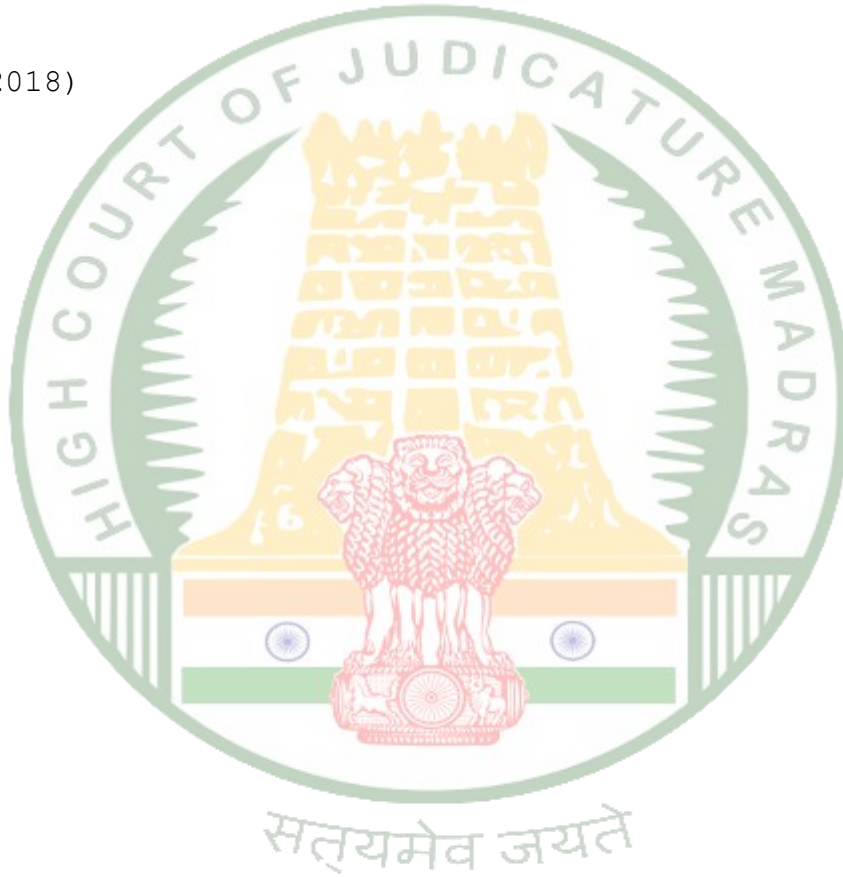
1. The Principal Secretary to Government,
School Education M-1, Department,
Fort St. George, Chennai - 600 009.

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

+1cc to Mr.D.Prabhu Mukunth Arunkumar, Advocate SR.No.39853
+1cc to Government Pleader SR.No.40910

Writ Petition No.23315 of 2016

CA (CO)
GN(07/08/2018)



WEB COPY