

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 02.08.2018

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THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.19870 of 2018

P.Ganapathy

..Petitioner

Vs

1. The State of Tamil Nadu,
Represented by its Secretary,
Backward, Most Backward and Minority Welfare Department,
St.George Fort, Chennai-600 009
 2. The Commissioner of Backward Classes Welfare Department,
Chepakkam,
Chennai-600 005
- ..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent to consider the petitioner's representation dated 26.10.2017 and pass appropriate orders within a stipulated time fixed by this Court.

For Petitioner : Mr.J.Antony Jesus

For Respondents : Mrs.R.Janaki,
Additional Government Pleader

ORDER

Mrs.R.Janaki, learned Additional Government Pleader takes notice on behalf of the respondents.

2. The grievance of the petitioner is non disposal of his representation dated 26.10.2017 made to the first respondent to extend him the benefit of G.O.Ms.No.75 dated 25.07.2012 indicating the extension of benefit of G.O.Ms.No.202 School Education Department dated 24.09.1988 to its employee. The case of the petitioner is that he was appointed as Secondary Grade Teacher on 21.06.1974 in a school run by the respondent Department in Tirunelveli District. Later on he was promoted to the post of Headmaster and continued to discharge his duties as such however he was transferred and posted as warden in Government Student Hostel (D.C), Palayamkottai and retired from

service on 30.04.2003. Since during the Fifth Pay Commission the Secondary Grade Teachers, Headmasters and Wardens who were similar in rank, were given different scale of pay though they were earlier in the same grade and drawing the similar pay, the less privileged Secondary Grade Teachers who were reverted from the post of Headmaster approached the Tribunal indicating the fact that vide G.O.Ms.No.202 dated 24.09.1988 of the School Education Department all of the aforesaid posts being in similar scale of pay, the Government may be directed to extend them the benefit of the aforesaid G.O.Ms.No.202 dated 24.09.1988. The Administrative Tribunal allowed their such prayer accordingly with the direction that reverted Secondary Grade Teachers from the post of Headmaster shall continue to draw the Headmaster scale of pay even after such reversion. Accordingly the benefit of the same being extended in the School and Education Department, the Adi Dravida and Tribes Welfare Department also vide G.O.Ms.No.75 dated 25.07.2012 had extended the benefit of G.O.Ms.No.202 dated 24.09.1988 of School Education Department in similar cases. The nature of work of teachers working in different government department are similar, has been recognised in G.O.Ms.No.156 dated 13.10.2000 of the Adi Dravida and Tribes Welfare Department. Therefore the benefit of the aforesaid G.O.Ms.No.202 dated 24.09.1988 of the School and Education Department and G.O.Ms.No.75 dated 25.07.2012 of the Adi Dravida and Tribes Welfare Department, are also equally applicable to the teachers of the respondent department. Hence, the petitioner along with others gave representation on 26.10.2017 to the first respondent requesting to issue Government orders to extend the benefit given to the Secondary Grade Teachers who were reverted from the post of Headmaster vide the aforesaid G.O.Ms.No.202 dated 24.09.1988, but such representation having not been attended to by the first respondent hence filed this writ petition seeking the relief as stated earlier.

3. The learned counsel appearing for the petitioner submits since the respondents more particularly the first respondent is guilty of inaction in addressing the representation made, this writ petition may be disposed of without seeking reply affidavit, with the relief sought for more so, as the disposal of the writ petition without the reply affidavit is going to cause no prejudice to the respondents.

4. The learned Additional Government Pleader appearing for the respondents submits that the first respondent shall have no objection to dispose of such representation within a stipulated period but submits that no fetter be put on the respondents on merit of such representation in the absence of the response of the respondent in this writ petition.

5. Regard being had to the aforesaid facts and submissions made especially the nature of relief sought for this Court

disposes of this writ petition without seeking the reply affidavit with the direction to the first respondent to take an informed and considered decision on the representation made on 26.10.2017 by the petitioner and others in accordance with law, if the same is pending and there is no other legal impediment for disposal of the same, within six weeks from the date of receipt of a copy of this Order. However, this Court has put no fetter on the respondents to dispose of the representation in any particular manner except the time stipulated for such disposal. No costs.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary,
The State of Tamil Nadu,
Backward, Most Backward and Minority Welfare Department,
St.George Fort, Chennai-600 009
2. The Commissioner of Backward Classes Welfare Department,
Chepakkam,
Chennai-600 005

+1 CC to Mr.J. Antony Jesus, Advocate sr 52712.

+1 CC to Govt. Pleader sr 53267.

W.P.No.19870 of 2018

SP(30/08/2018)

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