

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2018

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No. 16750 of 2008

Stella Mary

.. Petitioner

Versus

1. The Chief Educational Officer,
Nilgiris District,
Udagamandalam-643 001.
 2. The District Educational Officer,
Coonoor-643 102,
Nilgiris District.
 3. The Correspondent,
St. Mary's Higher Secondary School,
Poththanur, Nilgiri District.
- .. Respondents

Prayer :

This writ petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the second respondent to pay the petitioner the difference in the scale of pay on the basis of the report of the VI pay commission for the period from 01.01.1996 to 31.03.1998, working as the Secondary Grade Teacher under the third respondent with interest at the rate of 12% per annum from 01.04.1998 till the date of payment within a time frame as may be fixed.

For Petitioner

:M/s.Elizabethravi

For Respondents 1 & 2

:Mr.K.Karthikeyan
Government Advocate(Education)

For Respondent 3

:Dismissed vide order dated
24/02/2011

ORDER

The writ petition is filed to issue a writ of Mandamus, to direct the second respondent to pay the difference amount to the

petitioner in the scale of pay on the basis of the report of the VI pay commission for the period from 01.01.1996 to 31.03.1998, during which period the petitioner was working as Secondary Grade Teacher under the third respondent, with interest at the rate of 12% per annum from 01.04.1998 till the date of payment within a period as fixed by this Court.

2. The petitioner was working as a Secondary Grade Teacher under the third respondent's Educational Institution, for more than thirty years and after attaining the age of superannuation, she was re-employed till the end of the academic year and retired from the services on 31.03.1998. The petitioner has been receiving statutory benefits arising on account of her retirement. Even after attaining the age of superannuation, the difference amount of the scale of pay arising on account of the acceptance of the VI pay commission for the period from 01.01.1996 to 31.03.1998 has not been paid to the petitioner, even after a lapse of 20 years from the date of retirement.

3. The learned counsel appearing for the petitioner contend that inspite of several representations made to all the respondents, till now petitioner's representation was not considered. The second respondent by his letter dated 29.01.2007 informed the petitioner that necessary arrangement would be made for the allocation of the funds from the School Education Finance Controller. The petitioner had also sent a legal notice to the respondents on 21.11.2007 to pay the difference amount as per the revised scale of pay and requesting them to pay the amount within 15 days. On receipt of the said legal notice, the second respondent sent a letter dated 07.12.2007, to the counsel, informing him that the necessary details have been called for by them from the 3rd respondent and on receiving such particulars, action will be taken and it will be informed. The learned counsel for the petitioner also contend that the said stand taken by the second respondent cannot be accepted as it is devoid of merits, illegal, which differs from the information provided to the petitioner earlier. It is seen that the second respondent has not taken any steps to get the particulars from the third respondent and to pay the amount due to the petitioner. Therefore, the 2nd respondent is not justified since the petitioner has retired from the services on 31.03.1998 and even after a lapse of and 20 years, they have not filed any counter to show that they have approached the authorities of the 3rd respondent concerned to get the necessary particulars regarding the petitioner.

4. The learned Government Pleader would submit that the petitioner herein does not come under the category of the persons who are entitled for the payment of VI pay commission.

5.Considering the fact that even though the petitioner retired from the services 20 years earlier itself as the respondents have neither come forward to reject the representation nor accepted her representation. This Court directs the first respondent to consider the case of the petitioner after providing an opportunity to the petitioner and pass appropriate orders within a period of three months from the date of receipt of a copy of this Order.

With the above direction this writ petition is disposed of.
No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

smn

To

1. The Chief Educational Officer,
Nilgiris District,
Udagamandalam-643 001.
2. The District Educational Officer,
Coonoor-643 102,
Nilgiris District.

+lcc to Mr.P.Raja, Advocate, S.R.No.46821
+lcc to the Government Pleader, S.R.No.46565

Writ Petition No.16750 of 2008

CS/15/02/2019

सत्यमेव जयते

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