

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2018

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

W.P.No.45004 of 2002

1. S.Lourdusamy (died)

2. S.Vannakamary

W/o.S.Lourdusamy

... Petitioner

(P2 is impleaded as per the order of this Court dated 11.06.2018 made in W.P.M.P.No.414 of 2012)

versus

1. The Director of School Education,
College Road,
Nungambakkam,
Chennai - 6.

2. The Correspondent,
St. Sebastian's Middle School,
Papanasam - 614 205.

3. The Assistant Educational Officer,
Papanasam,
Thanjavur District - 614 205.

4. The Correspondent,
St. Antony's Higher Secondary School,
Thanjavur - 613 001.

5. The District Educational Officer,
High & Higher Secondary Schools,
Thanjavur.

6. The Joint Director of School Education,
(Secondary Grade Education)
Chennai - 6.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of writ of certiorarified mandamus, to call for the records on the file of the 6th respondent in connection with the order passed by him in

Mumu.No.16171/D1/D2/2002, dated 04.10.2002 and quash the same to the extent of denying salary of the regular Secondary Grade Teacher to the petitioner inspite of his service as Secondary Grade Apprentice Teacher for the period from 07.06.71 to 2.06.74 and direct the respondents to regularise the service of Secondary Grade Apprentice Teacher from 07.06.71 to 02.06.74 as Secondary Grade Teacher and pay from 07.06.71, consequently pay all the monetary benefits to the petitioner.

For Petitioner : Mr.R.Singaravelan,
Senior Counsel
for V.S.Jagadeesan

For R1, R3, R5
and R6 : Mr.C.Munusamy,
Additional Govt. Pleader
(Education)

For R2 and R4 : M/s.A.Arul Mary

ORDER

The petitioner S.Lourdusamy submitted a representation dated 13.05.2002, claiming that from 01.01.1996 onwards, his salary must be fixed based on the recommendation of the 6th Pay Commission. It is claimed that a sum of Rs.2,50,000/- is due, which is payable with interest at the rate of 18% p.a. But, the impugned order dated 04.10.2002 has been passed without any reference to the contention raised in the representation dated 13.05.2002. Therefore, a direction is sought for to the respondents to consider the representation of the petitioner and to pass fresh orders. During the pendency of this writ petition, the petitioner S.Lourdusamy died on 26.10.2005. Hence, the wife of the petitioner is brought on record as legal representative of the deceased.

2. Heard both sides.

3. A perusal of the impugned order dated 04.10.2002 reveals that no reference has been made to the representation dated 13.05.2002.

4. In such circumstances, without going into merits of the issues, the respondents are directed to consider the case of the petitioner, in terms of the representation dated 13.05.2002 and pass orders, taking into account G.O.Ms.No.347 dated 15.09.1998, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-
Deputy Registrar

// True Copy//

Sub Assistant Registrar

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To

1. The Director of School Education,
College Road,
Nungambakkam,
Chennai - 6.
2. The Assistant Educational Officer,
Papanasam,
Thanjavur District - 614 205.
3. The District Educational Officer,
High & Higher Secondary Schools,
Thanjavur.
4. The Joint Director of School Education,
(Secondary Grade Education)
Chennai - 6.

+1cc to Mr.V.S.Jagadeesan, Advocate SR.No.36688
+2ccs to Mr.A.Arul mary, Advocate SR.No.36415
+1cc to Government Pleader SR.No.36618

W.P.No.45004 of 2002

RMP (19/09/2018)

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