

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.10.2018

Coram

The Hon'ble Mr.Justice Satrugana Pujahari

Writ Petition No. 27646 of 2018

and

W.M.P.Nos.32187 and 32193 of 2018

H.Vasantha Catherrine

...Petitioner

Vs.

1. The Secretary to Government,
Education Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

2. The Director,
School Education Department,
Directorate of Public Instructions (DPI)
College Road, Nungambakkam,
Chennai - 600 034.

3. The Chief Educational Officer
Kancheepuram District, Kancheepuram.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records of the respondents 2 and to quash the same insofar as Clause of the Promotional Order dated 20.05.2017 in Na.Ka.No.89560/W1/E1/2016 as the same is perverse, arbitrary, and consequently, directing the respondents to dispose

of the petitioner's representations dated 22.05.2017, 29.05.2017 and 22.06.2017, within a specified period as determined by this Court, and thereby, granting the petitioner's promotion increments and other benefits including grade pay as per the promotion order, dated 20.05.2017, in Na.Ka.No.89560/W1/E1/2016 passed by the respondents 2 as Head Master of Higher Secondary School on the basis of the seniority list.

For Petitioner : Mr.S.L.Sundarsanam

For Respondents : Mrs.P.Kavitha
Government Advocate

ORDER

Heard, Mr.S.L.Sundarsanam, learned counsel appearing for the petitioner and Mrs.P.Kavitha, learned Government Advocate, who accepts notice on behalf of the respondents. On consent of the learned counsel on either side, this Writ Petition is taken up for disposal.

2. The grievance of the petitioner, in this Writ Petition is that, while working as a Head Master of a High School, she was promoted to the post of Head Master of Higher Secondary School on 20.05.2017, but with a stipulation that she shall join in the promotional post on 01.06.2017. However, her date of superannuation being 31.05.2017, she could not relish

the benefit of order of promotion. Considering the fact that the petitioner's date of retirement is 31.05.2017, made a representation to the respondents ventilating her grievance to allow her promotion within the period of her retirement and extend her the benefit of promotional scale in calculation of her pension and other retiral benefits. Such representation was though first made on 22.05.2017, followed by 29.05.2018 and then 23.06.2017 and the last one on 28.03.2018, but no action on the same having been taken, she has come to file this Writ Petition, challenging such stipulation, directing her to join in the promotional post on 01.06.2017, to be redundant one and seeking to quash the same with a direction to the respondents to consider her representation made to allow her to join in the promotional post before her retirement.

3. During the course of hearing on admission, the learned counsel appearing for the petitioner submits that though the petitioner has sought for the aforesaid larger relief, he now wants to confine the prayer, seeking a direction to the respondents to consider the representation of the petitioner within a stipulated period.

4. The learned Government Advocate appearing for the respondents submits that, if such representation of the petitioner is pending, the same shall be considered in accordance with law. However, this Court should not put any fetter on disposal of such representation, inasmuch as, this Court has not gone through the merit of such representation.

5. Regard been had to the aforesaid facts and submission made, especially, the nature of relief sought for, this Court, without seeking reply affidavit, dispose of this Writ Petition at the stage of admission with a direction to the second respondent to take an informed and considered decision on the representation of the petitioner, as it deem fit and proper, but, in accordance with law within a period of six weeks from the date of receipt of a copy of this order and intimate the decision thereof to the petitioner. However, it is made clear that this Court has expressed no opinion on the merit of such representation in any particular manner. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

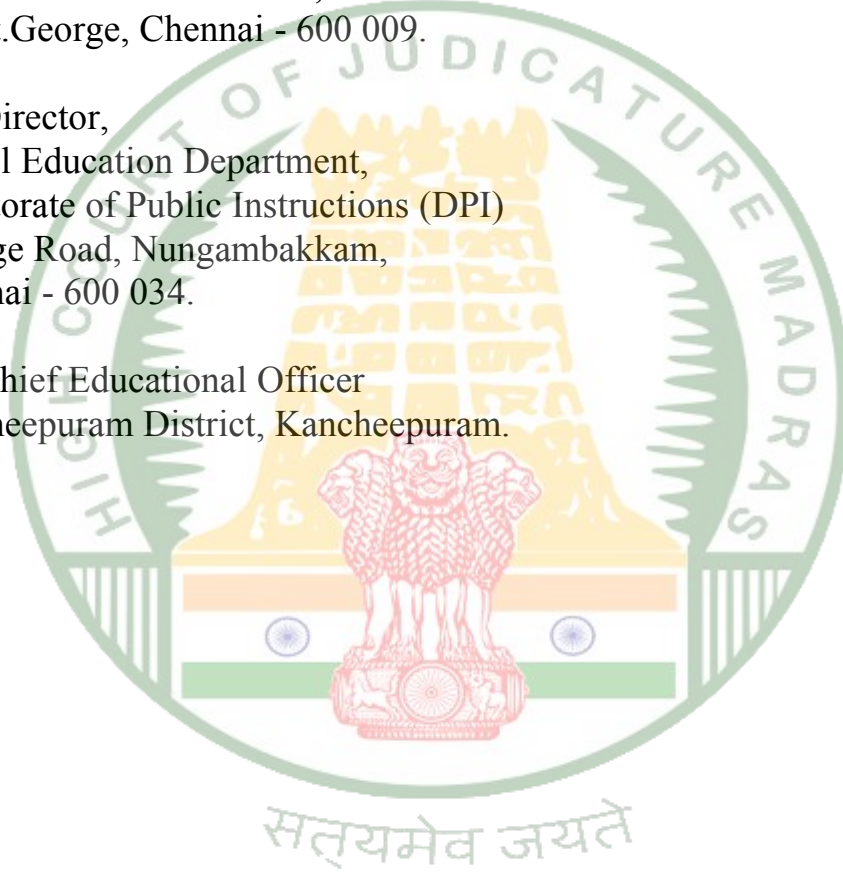
23.10.2018

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Index : yes/no

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Satrughana Pujahari, J.,

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