

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 23.11.2018

CORAM :

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 30929 OF 2018

AND

W.M.P. NOS. 36076 & 36079 OF 2018

S.Mohan

...Petitioner

- Vs -

1. The Government of Tamil Nadu
rep. By Secretary to Government
Finance (Pay Cell) Department
Fort St. George, Chennai 600 009.
2. The Secretary to Government
Government of Tamil Nadu
School Education Department
Fort St. George, Chennai 600 009.
3. The Director of School Education
College Road, Chennai 600 006.
4. The Chief Educational Officer
Thiruvarur District, Thiruvarur.
5. The Headmaster
Government Boys Higher Secondary School
Valangiman, Thiruvarur District.
6. The District Treasury Officer
Thiruvarur District, Thiruvarur.
7. The Assistant Treasury Officer
Valangiman, Thiruvarur District.
8. The Headmaster
Government Higher Secondary School
Harithuvaramangalam
Thiruvarur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records on the file of the 5th respondent issued in Na. Ka. No.156/2017 dated 9.5.2018 and quash the same and issue consequential direction to the respondents to accept the pay fixation done by the 5th respondent in his proceedings dated 23.11.2017 in Na.Ka. No.156/2017 in New Revised Pay introduced in G.O. Ms. No.303 finance (Pay Commission Department) dated 11.10.2017 and fix the petitioner's pay accordingly from 1.1.2016 with notional effect and monetary benefit from 31.10.2017 and grant consequential benefits to the petitioner.

For Petitioner : Mr. R.Saseetharan

For Respondents: Ms. P.Kavitha, GA
for RR-2 to 5 & 8

Mr. R.Selvam, GA for RR-1, 6 & 7

ORDER

This writ petition has been filed by the petitioner for a direction on the respondents to consider the representation submitted by the petitioner for fixation of his pay in terms of the 7th Pay Commission from 1.1.2016.

2. The case of the petitioner is that the pay fixation in terms of 7th Pay Commission, as claimed by the petitioner, was rejected by the respondents by order dated 9.5.2018. It is the stand of the petitioner that subsequent to the rejection of his claim, the Government has passed G.O. Ms. No.306 dated 12.9.18 granting some benefits to its employees. It is submitted by the petitioner that the petitioner should also be extended the benefits pursuant to G.O. Ms. No.306 dated 12.9.18.

3. Learned counsel for the respondents submit that it is for the petitioner to submit representation claiming benefits in terms of G.O. No.306 dated 12.9.18.

4. Learned counsel for the petitioner submits that representation has already been submitted by him to the respondents. However, it is submitted that the petitioner will submit a fresh representation specifically quoting G.O. Ms. No.306 dated 12.9.18, which the respondents may consider and pass orders.

5. In view of the limited relief sought for, this Court is of the view that it is not necessary to dwell into the merits of the issue, but it would be suffice to permit the petitioner to

file a fresh representation quoting G.O. Ms. No.306 dated 12.9.18 and the respondents may be directed to consider the said representation of the petitioner and pass orders on the same within a particular time frame.

6. In the above circumstances, this writ petition is disposed of directing the petitioner to file a fresh representation quoting G.O. Ms. No.306 dated 12.9.18 within a period of one week from the date of receipt of a copy of this order and on receipt of the said representation, the 5th respondent shall consider the same and pass orders in accordance with law within a period of eight weeks therefrom. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

gln

To

1. The Secretary to Government
Government of Tamil Nadu
Finance (Pay Cell) Department
Fort St. George, Chennai 600 009.
2. The Secretary to Government
Government of Tamil Nadu
School Education Department
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3. The Director of School Education
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Thiruvarur District, Thiruvarur.
5. The District Treasury Officer
Thiruvarur District, Thiruvarur.
6. The Assistant Treasury Officer
Valangiman, Thiruvarur District.

+1cc to R.Saseetharan, Advocate, SR.NO.80021
+1cc to the Govt.Pleader, SR.NO.80418.

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