

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.32066 of 2018

U.Balasudha

.... Petitioner

Vs

1.The Director of Elementary Education
DPI Complex, College Road, Chennai.

2.The District Elementary Education Officer
Office of the District Elementary Education Officer
Vellore, Vellore District.

3.The Assistant Elementary Education Officer
Sholinghur Union, Sholinghur
Vellore District.

.... Respondents

For Petitioner	:	Mr.T.Saikrishnan
For Respondents	:	Ms.P.Kavitha, Govt.Advocate (Education)

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to consider the representation of the petitioner dated 05.11.2017 and consequently pay the back wages, continuity of service and all consequential service benefits to the petitioner and to re-fix the pay of the petitioner accordingly.

O R D E R

The petitioner, who was appointed as Secondary Grade Teacher, was issued with a charge memo dated 21.03.2016. The second respondent passed an order of dismissal from service on 18.07.2016, after giving a finding that the charges are proved. Aggrieved against the same, the petitioner preferred an appeal before the first respondent and the appeal was allowed. While passing the order in the appeal dated 18.08.2017, the first respondent has simply stated that the petitioner has to be reinstated. However, the consequential service benefits has not been spelt out in the order dated 18.08.2017. Therefore, the petitioner has submitted representations on various dates claiming the benefits of continuity of service, backwages etc., the last one being on 05.11.2017. As the said representations have not been considered, the present writ petition has been filed.

2. Ms.P.Kavitha, learned Government Advocate takes notice for the respondents. Heard the learned counsel appearing on either side and perused the materials available on record.

4. 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 suffice to direct the respondents to consider the representation of the petitioner in the light of the order dated 18.08.2017, and pass orders on the same within a particular time frame.

5. In the above circumstances, this writ petition is disposed of directing the 1st respondent to consider the representation of the petitioner dated 05.11.2017 in the light of the order dated 18.08.2017 made in the appeal, and pass orders thereon, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kst
To

1.The Director of Elementary Education
DPI Complex, College Road, Chennai.

2.The District Elementary Education Officer
Office of the District Elementary Education Officer,
Vellore District.

3.The Assistant Elementary Education Officer
Sholinghur Union, Sholinghur
Vellore District.

+1cc to Mr.T.Sai Krishnan, Advocate, S.R.No.83872

+1cc to the Government Pleader, S.R.No.84439

W.P.No.32066 of 2018

RSV(CO)
GSP(24/12/2018)