



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2018

CORAM :

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P.(MD) No.140 of 2018

WEB COPY

P.Koodalingam

... Petitioner

Vs.

1.The Joint Director (Personal),
Office of the Director of School Education,
College Road, Nungampakkam,
Chennai - 6.

2.The Chief Educational Officer,
Tallakulam, Madurai.

3.The District Elementary Educational Officer,
RMS Road, Madurai - 1. ... Respondents

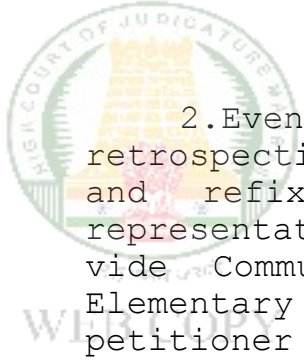
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to refix the salary as per the proceedings of the first respondent dated 20.05.2011 and calculate the arrears to be paid to the petitioner within the time limit prescribed by this Court since the petitioner is 80 years old.

For Petitioner : Mr.K.C.Ramalingam

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

The writ petitioner is a retired employee. He reached the age of superannuation in the year 1995. When he retired, he was holding the post of Superintendent. However, following the decision of the Hon'ble Supreme Court rendered as early as on 28.04.1998 in SLP Nos.5164/5166 of 1990, the combined seniority list of 'A' wing and 'B' wing of Junior Assistants working in the Ministerial Service was revised and re-issued on 28.12.2010. Thereafter, by proceedings in Na.Ka.No.11573/A3/E1/2007 dated 20.05.2011, the writ petitioner was notionally promoted as Superintendent with effect from 18.11.1993. The writ petitioner's rank is figuring at Serial No.987.



2. Even though, the writ petitioner was notionally promoted on retrospective basis as Superintendent, his pension was not revised and refixed. The writ petitioner had submitted various representations in this regard. The Joint Director of Education vide Communication dated 30.06.2017 called upon the District Elementary Education Officer, Madurai to do the needful to the writ petitioner without any further delay in the matter. Still nothing has been done by the third respondent till date.

3. The learned counsel appearing for the petitioner placing reliance on the materials enclosed in the typed set of papers would submit that the writ petitioner had furnished all the relevant service particulars. When the department chose to grant notional promotion on retrospective basis as Superintendent that to with effect from the year 1993 itself, it is the duty of the respondents to correspondingly revise and refix the writ petitioner's pay and disburse benefits accordingly.

4. The writ petitioner is presently aged about 80 years. He is now a Senior Citizen. He is in the evening of his life. He ought to see the fruits of the notional promotion forthwith. Therefore, there shall be a direction directing the respondents to revise the writ petitioner's salary and pension and disburse the benefits within a period of eight weeks from the date of receipt of a copy of this order.

5. This Writ Petition is allowed as indicated above. No costs.

Sd/-

Assistant Registrar (Crl. Side)

/True Copy/

Sub-Assistant Registrar

To

1. The Joint Director (Personal),
Office of the Director of School Education,
College Road, Nungampakkam, Chennai - 6.
 2. The Chief Educational Officer,
Tallakulam, Madurai.
 3. The District Elementary Educational Officer,
RMS Road, Madurai - 1.
- +One cc to Mr. K.C. Ramalingam, Advocate, SR.No.42823
+One cc to The Special Government Pleader, SR.No.43132
ls/skm
RL/6C/2P/KK/SAR1/6/2/2018

W.P. (MD) No.140 of 2018

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