

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 18.06.2018

CORAM:**THE HON'BLE MR.JUSTICE R.SURESH KUMAR****W.P.(MD)No.12821 of 2018**

R.Jeyanthi

...Petitioner

Vs.

1) The State of Tamil Nadu,
Rep., by its Principal Secretary,
Finance (CMPC) Department,
Fort St.George,
Chennai 600 009

2) The Joint Director (Vocational) of
School Education,
College Road, Chennai 600 006

3) The Chief Educational Officer,
Theni District, Theni.

4) The Head Master,
Government Girls Higher Secondary School,
Andipatti, Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 09.12.2017.

For Petitioner : Mr.R.Saravanan

For Respondents : Mrs.S.Srimathy,
Special Government Pleader.**O R D E R**

The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 09.12.2017.

2. Heard Mr.R.Saravanan, learned counsel appearing for the petitioner and Mrs.S. Srimathy, learned Special Government Pleader appearing for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Learned counsel appearing for the petitioner would submit that, even though the petitioner already filed a writ petition



challenging the reduction of pay/recovery amount, the same is pending, in view of G.O.Ms.No.328 Finance [Pay Cell] Department dated 31.10.2017, a decision can be made for fixation of salary, till such a decision is made by the Court of law in the pending case.

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4. In this regard, the learned counsel for the petitioner relied upon 10th paragraph of the said G.O.Ms.No.328 Finance [Pay Cell] Department dated 31.10.2017 and the same reads as under:

"10. The Government after careful consideration has decided to implement the above recommendation of the Official Committee 2017. Accordingly, Government direct that all the category of employees who have filed court cases and are drawing higher pay scales / pension by virtue of court orders till date shall be permitted to migrate to the revised pay structure based on the pay ordered in Government Order sixth read above which is issued on the recommendations of Pay Grievance Redressal Cell 2012. Such employees shall exercise option to revise their pay in the above manner or to continue to draw the pay being drawn by them presently based on the interim order of the Court whichever is financially advantageous to them. Whatever may be the option exercised by the employees, the same shall be subject to the outcome of the final verdict in the court cases pending in both Hon'ble High Court and Supreme Court and appropriate orders issued thereon by Government."

5. In view of the above, the learned counsel appearing for the petitioner would submit that, if the petitioner's representation dated 09.12.2017 is directed to be considered and an order to that effect is passed within the time frame fixed by this Court, then, the petitioner would be satisfied.

6. I have heard Mrs.S.Srimathy, learned Special Government Pleader appearing for respondents, who would submit that the said representation of the petitioner dated 09.12.2017 would be considered on merits and an order to that effect shall be passed within the time frame that may be fixed by this Court.

7. Considering the said submissions made by both sides, as well as the limited scope of the writ petition, the following orders are passed:

" that the third and fourth respondents shall pass orders on the representation of the petitioner dated 09.12.2017 on merits and in accordance with law, by taking into account the impact of G.O.Ms.No.328 Finance Pay Cell Department dated 31.10.2017, within a period of six weeks from the date of receipt of a copy of this order."



8. Accordingly, the Writ Petition is disposed of. However, there shall be no order as to costs.

SD

ASSISTANT REGISTRAR (CO)

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SUB ASSISTANT REGISTRAR (CS II)

sts

To

- 1) The Principal Secretary,
Finance (CMPC) Department,
Fort St.George, Chennai 600 009
- 2) The Joint Director (Vocational) of
School Education,
College Road, Chennai 600 006
- 3) The Chief Educational Officer,
Theni District, Theni.
- 4) The Head Master,
Government Girls Higher Secondary School,
Andipatti, Theni District.

1CC TO MR. R. SARAIVANAN, ADVOCATE SR 68415

1CC TO THE SPL GOVT PLEADER SR 68659

DS RP SAR 2

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Order made in
W.P. (MD) No.12821 of 2018