

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.18456 of 2009
and M.P.No.1 of 2009

P.Munusamy

... Petitioner

Vs

1.The Director of School Education,
O/o. the Directorate of School Education,
Puducherry.

2.The Deputy Director,
Adult Education,
Kurichikuppam, Puducherry.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of Writ of Certiorarified Mandamus to call for the records relating to Order No.728/DSE/DD(AE)/A4/08-09/25 dated 18.02.2009 passed by the 1st respondent and quash the same and direct the respondents to pay the enhanced honorarium of Rs.4,800/- from 22.06.2000.

For Petitioner : Mr.V.Jaibharath for
M/s.P.V.S. Giridhar & Sai Associates

For Respondent : Mr.R.Syed Mustafa, Spl.GP (Pondy)

O R D E R

It is the case of the petitioner that he was appointed as Office Assistant on 01.02.1999 in the Scheme of Continuing Education at Karaikal under the 2nd respondent Department and was paid with an honorarium of Rs.3,000/- per month. The Government of India through the 1st respondent has initiated the Scheme to achieve 100% literacy rate in the Country. The 2nd respondent has been implementing the Scheme in the Union Territory of Puducherry through the Pudevai Arivoli Iyakkam Society. Under the Scheme, the Nodal Preraks and Preraks (teachers) are engaged to teach in the centres established under

the Scheme for a consolidated pay of Rs.1410/- and Rs.710/- per month respectively for two hours work per day. In the year 2003, the 2nd respondent revised the honorarium paid to the Nodal Preraks, Preraks and the administrative staff including the Office Assistant, which came into effect from November 2003. Since the Department did not come forward to pay the enhanced honorarium to the petitioner, he submitted a representation on 30.11.2007 to the 1st respondent seeking payment of enhanced honorarium with arrears. The said representation was rejected by the 1st respondent by order dated 18.02.2009. Challenging the same, the present Writ Petition has been filed.

2. Heard the parties on both sides and perused the materials placed on record.

3. The learned counsel appearing for the petitioner submitted that after the enhancement of honorarium from Rs.3,000/- to Rs.4,800/- per month w.e.f. November 2003, the same has to be paid to the petitioner. Therefore, the impugned order is liable to be interfered with.

4. The learned Special Government Pleader appearing for the respondent submitted that the revision of honorarium made by the Government of India only to the three ranks of Nodal Preraks and it is not applicable to the Office Assistant. Therefore, the petitioner is not entitled for any revision of honorarium.

5. When the petitioner was appointed as Office Assistant on 01.02.1999 in the Scheme of Continuing Education at Karaikal under the 2nd respondent for an honorarium of Rs.3,000/- per month, he has no right to ask for enhancement of honorarium. The word honorarium itself clearly shows that the petitioner had accepted the post for the said sum of Rs.3,000/- per month as honorarium. If the honorarium is not suitable, he should not have accepted the post of Office Assistant. This Court is unable to find any merit in the case of the petitioner and accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Director of School Education,
O/o. the Directorate of School Education,
Puducherry.

2.The Deputy Director,
Adult Education,
Kurichikuppam, Puducherry.

W.P.No.18456 of 2009

VSN-II (CO)
CSL/11.03.2019



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