

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.09.2019
CORAM
THE HONOURABLE Mr. JUSTICE M. DHANDAPANI
W.P.No.19656 of 2019
and
W.M.P.No.19184 of 2019

V.M. Premkumar

... Petitioner

vs

1.The Chief Educational Officer,
Cuddalore District,
Cuddalore.

2.The District Educational Officer,
Virudhachalam - 606 001.

3.The Correspondent,
Danish Mission Higher Secondary School,
Virudhachalam - 606 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to act on the proposal submitted by the 3rd respondent dated 15/11/2018 for re-fixation of salary payable to the petitioner in the revised pay structure with effect from 01.01.2016.

For Petitioner : Mr.M. Sivavarathanan

For Respondents : Mr.C. Munusamy,
Special Government Pleader

ORDER

This petition has been filed to direct the 2nd respondent to act on the proposal submitted by the 3rd respondent dated 15/11/2018 for re-fixation of salary payable to the petitioner in the revised pay structure with effect from 01.01.2016.

2.The case of the petitioner is that the petitioner is working as Headmaster from January 2017 in the 3rd respondent School which is a private aided School. He is working in a sanctioned post and his appointment was approved by the Competent Authority. The 3rd respondent submitted a proposal for the petitioner in revised pay structure to the 2nd respondent on 19.12.2017, but the said proposal was returned on 20.01.2018 without the signature of the 2nd respondent. On 06.02.2018, the 3rd respondent made corrections in the same application mentioning the correct salary of the petitioner and submitted to the office of the 2nd respondent. Again, the 2nd respondent office asked the 3rd respondent to change the pay received by the petitioner as on 01.01.2016 as Rs.22670-4800 instead of Rs.23520-4800. On 05.03.2018, the 2nd respondent returned the said proposal and instructed to submit the proposal by mentioning the correct pay scale. The petitioner is not paid his monthly salary since November 2017 and he is working without salary for the past 19 months.

3.It is the further case of the petitioner that the 3rd respondent submitted the said proposal on 09.03.2018 by mentioning the incorrect particulars regarding the pay received by the petitioner as on 01.01.2016. The said proposal was approved and accepted by the 2nd respondent on 13.03.2018 and it was ordered to pay the petitioner a sum of Rs.72,700/- per month instead of Rs.74,900/- in the revised pay structure. Thereafter, the petitioner by letter dated 27.08.2018 informed the 3rd respondent about the mistakes and the 3rd respondent forwarded the proposal to re-fix the salary of the petitioner in revised pay structure. The 2nd respondent by order dated 08.10.2010 returned the proposal stating that the 3rd respondent alone has power for fixing the pay in respect of the Aided School and the 2nd respondent can only endorse the same and the said exercise has been already done on 13.03.2018. The 3rd respondent re-submitted the revised proposal to the 2nd respondent by letter dated 15.11.2018 and requested the approval for re-fixation of salary to the petitioner by rectifying the mistakes happened earlier. Though the request was made as earlier on 15.11.2018, till date no orders have been passed by the 3rd respondent. Hence, this petition has been filed.

4.The learned counsel appearing for the petitioner would submit that it would be suffice to issue directions to the 2nd respondent to dispose of the representation dated 15.11.2018 and pass orders.

5.Without expressing any opinion on merits of the case and considering the limited request made by the learned counsel for the petitioner, this Court directs the 2nd respondent to consider the representation dated 15.11.2018 submitted by the petitioner and pass orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.

With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar(InspCell)

True Copy

Sub-Assistant Registrar

mps

To

1.The Chief Educational Officer,
Cuddalore District,
Cuddalore.

2.The District Educational Officer,
Virudhachalam - 606 001.

3.The Correspondent,
Danish Mission Higher Secondary School,
Virudhachalam - 606 001.

+1 cc to Mr.M.Sivavarthanan Advocate sr77832

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aa01/10/2019