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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2019

CORAM

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.15897 of 2014

and

M.P.No.1 of 2014

W.Ruban Franklin
B.T.Assistant (History),
Government Higher Secondary School,
Vembarpatti,
Dindigul District.

..Petitioner

Vs.

1. The Government of Tamil Nadu,
represented by Secretary to Government,
School Education Department,
Secretariat, Chennai-600 009.

2. The Director of School Education,
College Road,
Chennai- 600 006.

3. The Joint Director of School Education (Personnel),
College Road,
Chennai-600 006.

4. The Chief Educational Officer,
Dindigul District, Dindigul.

..Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner as a probationer from 23.11.1990 when he joined in the post of B.T.Assistant (School Assistant) and that the period of probation of petitioner is completed on 22.11.1993 and issue a consequential direction to the respondents to grant annual increments from the date of completion of probation and the arrears of pay which arise due to the revision of scales of pay of employees of Tamil Nadu Government and to include the petitioner's name in the panel fit for promotion to the post of Headmaster, High School for the year 2014-15 and to grant promotion to the petitioner to the post of High School Headmaster with service and monetary benefits from the date on which his juniors were promoted.



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For Petitioner : Mr.R.Saseetharan
For Respondents : Mr.K.Karthikeyan,
Govt. Advocate (Education)

O R D E R

The petitioner seeks to grant annual increments from the date of completion of his probation and the arrears of pay which arise due to the revision of scales of pay of employees of Tamil Nadu Government.

2. The learned counsel for the petitioner submitted that the petitioner has completed the probation and therefore he is entitled for annual increment from the date of completion of probation and also for promotion to the post of High School Headmaster with service and monetary benefits from the date on which his juniors were promoted.

3. In the counter affidavit filed by the 4th respondent, it is stated that the petitioner completed probation and to be declared probation on 22.11.1993 and to include the petitioner's name in the panel fit for promotion so as to be eligible for annual increments. However, since the petitioner had been appointed on compassionate ground, it is the Government / the 1st respondent to pass appropriate orders regarding the completion of probation. Without such orders passed in respect of completion of probation, granting annual increments as well as promotion could not be given by respondents 2 to 4. Regarding regularisation of probation, already proposal has been sent to the Government vide Na.Ka.No.153-2013 dated 08.08.2013 and necessary orders are awaited from the Government. Based on such orders passed by the Government / the 1st respondent, the respondents 2 to 4 would consider the case of the petitioner in accordance with law.

4. Recording the aforesaid statement, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



ssn

To

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1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai-600 009.
2. The Director of School Education,
College Road,
Chennai- 600 006.
3. The Joint Director of School Education (Personnel),
College Road,
Chennai-600 006.
4. The Chief Educational Officer,
Dindigul District, Dindigul.

+1cc to Mr.R.Saseetharan, Advocate Sr.27542

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rv[co]
srg 6/5/2019