

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.25641 of 2019

L.Subramani

... Petitioner

Vs.

1. The Principal Secretary to Government
State of Tamil Nadu,
School Education Department
Secretariat, Fort St. George
Chennai-600 009.
2. The Director of Elementary Education
DPI Campus, College Road,
Chennai-600 006.
3. The District Educational Officer
Krishnagiri, Krishnagiri District.
4. Block Educational Officer
Block Educational Office
Krishnagiri District.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd respondent to pass orders for arrears of salary from 01.08.2015 to 01.08.2017 and including of other benefits with revise the monthly pension including of two years period taking into consideration of the petitioner's pension benefits and settlement of the Teacher provident funds (T.P.F) in the light of the petitioner's representation dated 03.07.2019, within a stipulated time to be fixed by this Court.

For Petitioner : Mr.P.M.Jayachandran

For Respondents : Mr.C.Munusamy
Special Government Pleader
(Education)

O R D E R

Writ Petition is filed for issuance of Writ of Mandamus, directing the 2nd respondent to direct the 2nd respondent to pass orders for arrears of salary from 01.08.2015 to 01.08.2017 and including of other benefits with revise the

monthly pension including of two years period taking into consideration of the petitioner's pension benefits and settlement of the Teacher provident funds (T.P.F) in the light of the petitioner's representation dated 03.07.2019, within a stipulated time to be fixed by this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents. By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner was initially appointed as Secondary Grade Teacher 21.03.2002 and he was accommodated in Annamalaiyar Government Aided Primary School, Krishnagiri. Subsequently, he got promotion to the post of Primary School Headmaster on 25.03.2007. Since the school building was damaged, the school management was decided to close the school. Hence the petitioner was posted to Secondary Grade Teacher to the Namathu Amatha Aided school and he refused to join in the school and subsequently, he was transferred to St. John Bosco Aided Primary School, Mathagoundapalli, Krishnagiri and again, he was refused to join in the school on the ground that it is also a minority Institution and not permitted to give salary. As per G.O No.36, School Education Department dated 18.02.2016, with Ruling 3 of FR 9(6) (b) he should have been given accommodation to the other school. Thereafter, the petitioner filed a writ petition in W.P No.709 of 2017 seeking for a direction to the respondents to pass orders for posting of Secondary Grade Teacher in the existing vacancy in anyone of the Panchayat Union Schools. The above writ petition was ordered on 10.01.2017 to submit one more representation to the 3rd respondent within a period of three weeks and the 3rd respondent was directed to consider the said proposal on merits. As per the direction, the petitioner made a fresh representation and on the basis of proposal, the 3rd respondent passed an order on 02.08.2017 to join the petitioner as Secondary Grade Teacher to the Panchayat Union Middle School, Thudukanahalli. The petitioner was retired from service on 31.05.2018 and he sent a letter to the 2nd respondent requesting to modify the pension benefits. Thereafter, the petitioner made a representation to the respondents on 03.07.2019 to give arrears of two years period of salary from 01.08.2015 to 01.08.2017 and including the monitory benefits with Teachers Provident Funds (T.P.F) and taking into consideration the change of his monthly pension amount. Till date, the petitioner's representation was not considered. Hence the present writ petition is filed.

4. The learned counsel for the petitioner submitted that it would suffice if a direction is passed to the 2nd respondent to consider the representation of the petitioner dated 03.07.2019, within a reasonable time as fixed by this Court.

5.The learned counsel appearing for the respondents accede to the submission made by the learned counsel for the petitioner and submitted that if any such representation was received by the 2nd respondent, the same will be considered on merits and in accordance with law.

6.Thus, without going into the merits of the case, this Court is inclined to direct the 2nd respondent to consider the representation of petitioner dated 03.07.2019 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

7.With the above direction, the writ petition stand disposed of. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

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State of Tamil Nadu,
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Chennai-600 009.

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3. The District Educational Officer
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+1cc to the Government Pleader Sr.88256
+1cc to Mr.P.M.Jayachandran, Advocate Sr.87653

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