

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31822 of 2019

S.Alagarasan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Finance Department,
Fort St.George,
Chennai - 600 009

2.The State of Tamil Nadu,
Rep by its Secretary to Government,
School Education Department,
Fort St.George, Chennai-600 009

3.The Director of School Education,
DPI Compound, College Road,
Chennai-600 006

4.The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai - 600 006

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to dispose of the representation dated 16.08.2019 and comply with the order dated 04.03.2019 in W.P.No.9712 of 2019 by refixing the scale of pay of the petitioner who was working as Vocational Instructors at Rs.2000-3500 with effect from the date of his regularisation on par with the scale of pay sanctioned to Mr.G.Narayanasami under G.O.Ms.No.327, School Education (Pa.Ka.2 (2)) Department, dated 18.11.2013 and vocational Instructors who were in service at the time plus 2 system was introduced in the Schools in the State of Tamil Nadu.

For Petitioner : Mrs.Nalini Chidambaram,
Senior Counsel
for M/s.C.Uma

For Respondents : Mrs.P.Kavitha,
Government Advocate

O R D E R

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioner is that the petitioner was appointed as double part time Vocational Instructor. GO.Ms.No.712 dated 28.05.1990 was passed sanctioning the creation of 800 posts of Vocational Instructors from 01.04.1990 in the scale of pay of Rs.1400-2600 and their services were regularized from 1990-1991 onwards. Subsequently, G.O.Ms.No.840, Finance (Pay Commission) Department dated 31.07.1990 was passed for revised scale of pay. While being so, one, Mr.Narayanasami filed W.P.No.32121 of 2009 seeking a direction to fix the pay at Rs.2000-3500. This Court by order dated 05.01.2010, directed to fix the scale of pay Rs.2000-3500 to him. The petitioner who is a similarly situated person, filed W.P.No.9712 of 2014 to refix the scale of pay at Rs.2000-3500 on par with the scale of pay sanctioned to the said Narayanasami under G.O.Ms.No.327 dated 18.11.2013. This Court by its order dated 04.03.2019 allowed the writ petition and extended the benefits to the petitioner. In order to avail such benefit granted in W.P.No.9712 of 2014 dated 04.03.2019, the petitioner made representation on 16.08.2019, but till date the same has been not considered. Hence, the petitioner has filed the present petition.

3.Heard both sides.

4.The learned Senior Counsel appearing for the petitioner would submit that though the earlier writ petition was allowed, no contempt application was filed to implement the orders. However, the petitioner made a representation. Therefore, it would suffice if a direction is issued to the third respondent to consider the representation and pass orders within a reasonable time as fixed by this Court.

5. The learned Government Advocate would submit that as against the order of this Court dated 04.03.2019 in W.P.No.9712 of 2019, writ appeal has been filed in WA.No.786 of 2019 and the said appeal is pending before this Court.

6.Considering the facts and circumstances of the case, as against the order of this Court the respondents have filed writ appeal before this Court, which is still pending. Therefore,

this Court directs the respondents to consider the petitioner's representation dated 16.08.2019 and pass orders on merits and in accordance with law within a period of eight weeks after the disposal of the writ appeal in W.A.No.786 of 2019.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
State of Tamil Nadu,
Finance Department,
Fort St.George,
Chennai - 600 009
- 2.The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St.George, Chennai-600 009
- 3.The Director of School Education,
DPI Compound, College Road,
Chennai-600 006
- 4.The Joint Director(Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai - 600 006

+1cc to M/s.C.Uma, Advocate sr.94053
+1cc to Government Pleader SR.NO. 95115

W.P.No.31822 of 2019

svi(co)
nr 20/12/2019