



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.7924 of 2019

and

W.M.P(MD)No.6269 of 2019

T.Joseph Anton Kingston

... Petitioner

Vs.

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

2.Director of School Education,
Directorate of School Education,
DPI Complex, Chennai - 600 006.

3.Chief Educational Officer,
Collector Office Campus,
Kokkirakulam,
Tirunelveli District - 627 009.

4.The Head Master,
NVC Government Higher Secondary School,
Radhapuram - 627 111.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to re-fix the petitioner's salary on the basis of the petitioner's last pay drawn at St.Anns Higher Secondary School, Koodangulam in the light of the proceedings in P.M.No.5146/A3/2016, dated 15.07.2016 of the third respondent with retrospective effect from 22.09.2012 with arrears and interest and seniority and other consequential service benefits within the time limit fixed by this Court.

For Petitioner : Mr.L.P.Maurya

For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

ORDER

This writ petition has been filed seeking to direct the respondents to re-fix the petitioner's salary on the basis of the petitioner's last pay drawn at St.Anns Higher Secondary School, Koodangulam in the light of the proceedings in P.M.No.5146/A3/2016, dated 15.07.2016 of the third respondent with retrospective effect from 22.09.2012 with arrears and interest and seniority and other



consequential service benefits within the time limit fixed by this Court.

2. Heard the learned counsel appearing for the petitioner and Mrs. S. Srimathy, learned Special Government Pleader, who takes notice for the respondents. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that he was appointed as a Junior Grade P.G Assistant (Chemistry) at St. Anne's Higher Secondary School, Kundagulam in consolidated pay on 24.08.2004. Subsequently, his appointment was approved and his scale of pay was also revised. Thereafter, he was appointed as P.G Assistant (Chemistry) in the Government Higher Secondary School, Nagapattinam on 22.09.2012 and after periodical transfers, now, the petitioner is working in the fourth respondent School. While he was working in Government Higher Secondary School, Vadakkachenllianallur, the third respondent by proceedings, dated 15.07.2016, granted Selection Grade by counting his past services rendered in St. Anne's Higher Secondary School ie., from 25.08.2004 to 21.09.2012, however, the respondents failed to fix his salary in the aided School, but had fixed a lesser pay. Hence, the petitioner sent a representation, dated 12.06.2017 to the respondents seeking re-fixation of his pay based on his last drawn pay in the aided School and the same was forwarded by the Head Master, Government Higher Secondary School, Vadakku Chellianallur to the third respondent, vide proceedings, dated 22.06.2017. Since no action is forthcoming, the petitioner has filed the present Writ Petition.

4. The learned Special Government Pleader appearing for the respondents submitted that the representation of the petitioner would be considered on merits.

5. In such view of the matter, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner, dated 12.06.2017 seeking re-fixation of pay and also taking into consideration the proceedings, dated 15.07.2016 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs. consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //



ps

To

- 1.The Secretary to Government,
Rep. by the State of Tamil Nadu,
Education Department,
Fort St. George,
Chennai - 600 009.
- 2.Director of School Education,
Directorate of School Education,
DPI Complex,
Chennai - 600 006.
- 3.Chief Educational Officer,
Collector Office Campus,
Kokkirakulam,
Tirunelveli District - 627 009.
- 4.The Head Master,
NVC Government Higher Secondary School,
Radhapuram - 627 111.

+1CC TO MR.L.P.MAURYA, Advocate Sr. No. 58704

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 59132

W.P(MD)No.7924 of 2019
03.04.2019

SCR(CO)

TR (02.05.2019) 3P 7C