

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 28.03.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P (MD) No.23337 of 2017**

V. Ramar

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Finance (CMPC) Department,
Fort St. George, Chennai - 600 009.

2.The Director of School Education,
College Road, Chennai - 06.

3.The Joint Director (Vocational) of School Education,
College Road, Chennai - 06.

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

5.The Principal Accountant General (G & SSA),
"Lekha Pariksha Bhavan",
No.361, Anna Salai,
Teynampet, Chennai - 600 018.

6.The Headmaster,
Government Higher Secondary School,
Sayalgudi - 623 120,
Ramanathapuram.

... 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 refix the petitioner's pay scale by refixing the Grade pay as Rs.5,400/- from August 2012 and refund Rs.27,252/- being the recovery made from him for the period from January 2011 to July 2012, towards the differential amount of the Grade Pay of Rs.5,400/- reduced to Rs.4,800/- within the time stipulated by this Court.

For Petitioner	:	Mr.T.Lajapathi Roy
For RR 1 to 4	:	Mr.S. Srimathy
		Special Government Pleader

<https://hcservices.ecourts.gov.in/hcservices/>

For R - 5	:	Mr.P.Gunasekaran
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**ORDER**

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents to refix the Grade pay as Rs.5,400/- from August 2012 and refund Rs.27,252/- being the recovery made from him for the period from January 2011 to July 2012, towards the differential amount of the Grade Pay of Rs.5,400/- reduced to Rs.4,800/- within the time stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent.

3. The learned counsel appearing for the petitioner submitted that the petitioner was appointed as Vocational Instructor on 01.04.1990 and retired from service on attaining the age of superannuation on 31.03.2013. Though the petitioner received Grade Pay of Rs.5,400/-, the same has been refixed as Rs.4,800/-. Hence, the petitioner made a representation to the respondents on 08.11.2017 in this regard. Since the same has not been considered by the respondents, the petitioner has filed the present Writ Petition.

4. The learned Government Advocate appearing for the respondents 1 to 4 submitted that the prayer of the petitioner would be considered as per G.O.Ms.No.306, Finance (CMPC) Department, dated 12.09.2018 and seeks two months time for considering the claim of the petitioner.

5. In such view of the matter, this Court, without going into the merits of the petitioner's claim, directs the respondents to consider the representation of the petitioner, dated 08.11.2017 seeking for re-fixation of Grade Pay and refund being the recovery made, in the light of G.O.Ms.No.306, Finance (CMPC) Department, dated 12.09.2018 and also in the light of the order passed by this Court in W.P(MD)No.2654 of 2018, dated 19.03.2018 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 eight 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.

Sd/-

Assistant Registrar (CS-I)

// True Copy //



To

1.The Principal Secretary,
Rep. by the State of Tamil Nadu,
Finance (CMPC) Department,
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3.The Joint Director (Vocational) of School Education,
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4.The Chief Educational Officer,
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6.The Headmaster,
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Sayalgudi - 623 120,
Ramanathapuram.

+1CC TO MR.T.LAJAPATHI ROY, Advocate Sr. No.57684

+1CC TO MR.P.GUNASEKARAN, Advocate Sr. No.57856

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28.03.2019

DKS (CO)

TR (23.05.2019) 3P 9C