



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)No.3795 of 2016

S.Balammal

... Petitioner

-Vs-

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

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

3.The Director of Elementary Education,
Chennai - 600 006.

4.The District Elementary Educational Officer,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to extend the benefit of G.O.(3D) No.41 School Education (G2) Department dated 27.03.2012 to the petitioner's husband and consequently refix his salary for the period he worked as Headmaster of Government Primary School and consequently sanction all service benefits including revised pensionary benefits.

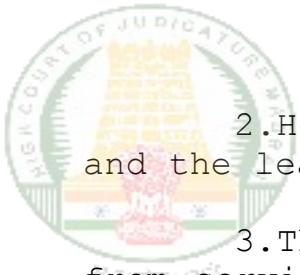
For Petitioner : Mr.B.Vijay Karthikeyan

For Respondents : Mrs.S.Srimathy

Special Government Pleader

ORDER

This writ petition has been filed seeking a direction to the respondents to extend the benefit of G.O.(3D) No.41 School Education (G2) Department dated 27.03.2012 to the petitioner's husband and consequently refix his salary for the period he worked as Headmaster of Government Primary School and consequently sanction benefits including the revised pensionary benefits.



2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader for the respondents.

3. The case of the petitioner is that her husband retired from service as Headmaster from the Government Primary School and he died in the year 2005. According to the petitioner, the petitioner's husband is entitled to the benefits of G.O.(3D) No.41 School Education (G2) Department dated 27.03.2012. Hence, she made a representation dated 16.10.2015 to the respondents to extend such benefits and the same is pending for passing orders. Therefore, the petitioner is before this Court, seeking appropriate orders.

4. The learned counsel appearing for the petitioner submitted that the claim of similarly placed persons was considered by this Court in W.P(MD)No.15059 of 2012 dated 29.04.2014 and the case of the petitioner herein is also on the same lines.

5. This Court, while considering the case of similarly placed persons like that of the petitioner, in W.P(MD)No.15059 of 2012, passed the following order:

*"9. Hence, following the judgment of the Supreme Court as well as the order passed by this Court, referred to above, the respondents are directed to consider the representations of the petitioners dated 10.07.2012, 10.07.2012, 10.07.2012 and 09.07.2012 respectively and pass appropriate orders, in the light of the judgment passed by the Supreme Court in **C.Lalitha's** case cited supra as well as the Government Order in G.O.(3D) No.41, School Education (G2) Department dated 27.03.2012, within a period of six weeks from the date of receipt of a copy of this order."*

6. Following the same, this writ petition is disposed of, with a direction to the respondents to consider the claim of the petitioner based on her representation dated 16.10.2015 and pass appropriate orders, on the same line as observed in the order passed in W.P(MD)No.15059 of 2012 dated 29.04.2014. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)



To

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

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

3.The Director of Elementary Education,
Chennai - 600 006.

4.The District Elementary Educational Officer,
Nagercoil, Kanyakumari District.

+1 CC to M/s.B.VIJAY KARTHIKEYAN, Advocate (SR-50204[F] dated 27/02/2019)

+1 CC to M/s.SPL GP (SR-50929[F] dated 01/03/2019)

MJ

W.P.(MD)No.3795 of 2016
27.02.2019

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