



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2019

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.17622 of 2014

J.Sudharson

... Petitioner

-Vs-

1.The Director of Non-Formal and Adult Education
DPI Compound, College Road
Chennai - 6

2.The Director
Jan Shikshan Sansthan
No.1, Kamala Nagar
Thallakulam, Madurai 625 002

... Respondents

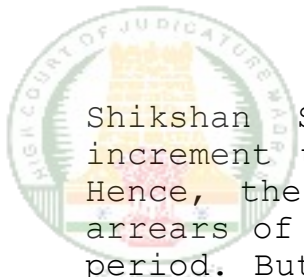
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider and pass order on the petitioner's representation dated 10.05.2014 for payment of salary for the period from 01.02.2007 to 15.03.2007 as well as the arrears for the said period based on VI Pay Commission within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu
For Respondents : Mr.S.Dhayalan
Government Advocate

ORDER

The Writ petition has been filed for a direction to the respondents to consider and pass order on the petitioner's representation dated 10.05.2014 for payment of salary for the period from 01.02.2007 to 15.03.2007 as well as the arrears for the said period based on VI Pay Commission, within a stipulated time to be fixed by this Court.

2. The learned counsel appearing for the petitioner would submit that while the petitioner was working as Director of Jan



Shikshan Sansthan, Madurai from May 2000 to 15.03.2007, the increment under VI Pay Commission came into force on 01.07.2001. Hence, the petitioner made request to the respondents to pay the arrears of increment as well as arrears of salary for the above said period. But, the second respondent has not taken any action in this regard. In spite of repeated requests made by the Director of Elementary Education, the first respondent sent a letter, dated 25.02.2010, instructed the second respondent to send the arrears of increment to the petitioner. But, even thereafter, the same was not paid by the second respondent. The petitioner made several representations to the second respondent. Since no action has been taken by the second respondent, the petitioner has come up with this Writ petition.

3. The first respondent filed a counter affidavit stating that the period of duty after getting relieved as Director, Jan Shikshan Sansthan, Madurai, has to be regulated by the second respondent only and the Director of Non Formal and Adult Education has no authority in this regard. The salary for the period after relief from Jan Shikshan Sansthan has to be met from appropriate State funds only and therefore, he would pray for dismissal of the Writ petition in respect of the first respondent. No counter has been filed by the second respondent.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

5. Considering the limited relief sought for by the petitioner and submission of the learned counsel for the petitioner, without advertng to the merits of the case, the second respondent is directed to consider the representation of the petitioner, dated 10.05.2014 and pass orders on merits and in accordance with law, within a period of twelve (12) 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-III)

// True Copy //

Sub Assistant Registrar (CS)



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+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-103739[F] 06/12/2019)

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msa

SDS (19.12.2019) 3P 4C