



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.23359 of 2019

WEB COPY

B.Annie Backiya Rani Bai

... Petitioner

-Vs-

1.The District Educational Officer,
Kokkirakulam, Tirunelveli District.

2.The Correspondent,
St. Peter's Higher Secondary School,
Ukkirankottai, Tirunelveli District.

3.The Correspondent,
Baren Bruck Higher Secondary School,
Bungalow Surandai, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order of the first respondent in O.Mu.No.2897/A2/2019, dated 01.07.2019 and quash the same and consequently, direct the first respondent to approve the sanction of yearly increment from 16.07.2013 and re-fix the scale of pay as per the 7th Pay Commission and pay all monetary benefits within the time fixed by this Court.

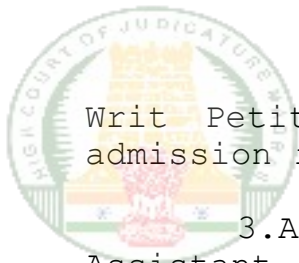
For Petitioner : Mr.H.Arumugam

For R1 : Mr.M.Karuppasamy,
Government Advocate.

ORDER

The order of the first respondent dated 01.07.2019 is sought to be quashed in the present Writ Petition and further direction is sought for to direct the first respondent to approve the sanction of yearly increment from 16.07.2013 and re-fix the scale of pay as per the 7th Pay Commission and pay all monetary benefits within the time fixed by this Court.

2.Mr.M.Karuppasamy, learned Government Advocate takes notice on behalf of the first respondent. Notice to the respondents 2 and 3 is dispensed with, since no adverse order is going to be passed against the respondents 2 and 3. By consent of both parties, this



Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, she was appointed as B.T. Assistant (History) on 16.07.2012 in the second respondent School, which is the Minority School under the management of CSI Diocese of Tirunelveli. Her appointment was approved on 05.09.2012 by the first respondent and she has been paid salary from the date of approval. Subsequently, she was transferred to the third respondent School. The respondents have not given the yearly increment from 16.07.2013 without any reason, even though the revised pay in pursuant to the 7th Pay Commission has been granted to the petitioner. Subsequently, the second respondent has sanctioned the yearly increment from 16.07.2013 and sent the proposal on 20.06.2019 for approval of the same to the first respondent. However, the first respondent, by the impugned order dated 01.07.2019, has returned the proposal, stating that grand-in-aid alone directed to be paid and there is no order received to approve yearly increment. Hence, the petitioner has come out with the present Writ Petition.

4. The learned counsel appearing for the petitioner has relied on the order of this Court dated 26.03.2018 made in W.P.(MD) Nos.3681 to 3684 of 2018, wherein the District Educational Officer, Tenkasi, was directed to approve the permitted salary increment to the petitioners therein from the respective dates of their eligibility and their salary has to be revised accordingly, and submitted that the District Educational Officer, Tenkasi, by his order dated 06.08.2019, has implemented the said order dated 26.03.2018 passed by this Court.

5. From the materials on records, it is seen that the ratio in the order dated 26.03.2018 made in W.P.(MD) Nos.3681 to 3684 of 2018 relied on by the learned counsel appearing for the petitioner, is squarely applicable to the facts of the present case. In view of the same, the impugned order dated 01.07.2019 passed by the first respondent is set aside and accordingly, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar (CS-)



To

1.The District Educational Officer,
Kokkirakulam, Tirunelveli District.

2.The Correspondent,
St. Peter's Higher Secondary School,
Ukkirankottai, Tirunelveli District.

3.The Correspondent,
Baren Bruck Higher Secondary School,
Bungalow Surandai, Tirunelveli District.

+1 CC to M/s.SPL GP (SR-96690[F] dated 07/11/2019)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-96832[F] dated 07/11/2019)

W.P. (MD) No.23359 of 2019
06.11.2019

Myr

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