

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION Nos.45847 of 2016 and 39878 of 2018

COMMON ORDER:

Since the issue raised in these writ petitions is one and the same, they are being disposed of by this common order.

W.P.No.45847 of 2016 is filed seeking the following relief :-

“.....to issue a Writ, Order or direction, more particularly one in the nature of Writ of Certiorari, calling for the records relating to issuance of the impugned proceedings Rc.No.3812/ A6/ 2016 dt.30.01.2016 from the file of the 3rd Respondent and after perusing the same, quash the said proceedings dt.30.01.2016 by declaring it as arbitrary, discriminatory, illegal and without jurisdiction and consequently direct the 3rd Respondent to fix pay of the Petitioner in the Revised Pay Scales 2010 and 2015, without insisting permission from the 2nd Respondent, sanction annual increments, pay salary to the Petitioner for the period from 24.07.2010 to 13.12.2015 treating it as compulsory waiting, pay difference of salary and with all other consequential benefits, monetary or otherwise.....”.

W.P.No.39878 of 2018 is filed seeking the following relief :-

“.... to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus declaring proceedings Rc.No.3812/ A2/ 2014-17, dt.28.08.2017 issued by 3rd Respondent as arbitrary, discriminatory, illegal and intended to circumvent interim suspension order dt.03.01.2017 passed in WPMP No. 56501/ 2016 in WP No.45847/ 2016 and consequently direct 4th Respondent to fix basic pay of Petitioner at Rs.36070/ in the scale of pay of Rs.28940-78910 (RPS 2015), equivalent to her last drawn Basic Pay as per the Last Pay Certificate dt.25.07.2007 w.e.f 14.12.2015 i.e., from the date of her re-posting in 4th Respondent-School without reference to proceedings No.3812/ A6/ 2016, dt.30.01.2016 issued by 3rd Respondent in the light of the said interim order dt.03.01.2017 passed in WPMP No. 56501/ 2016 in WP.No.45847/ 2016 and also direct 4th Respondent to sanction annual increments, pay arrears of difference of

salary to Petitioner from 14.12.2015 and with all other consequential benefits monetary or otherwise...".

Learned counsel appearing for the petitioner has contended that during pendency of these writ petitions, the respondents have withdrawn charge Memo dated 30.01.2016 vide proceedings dated 17.12.2018. The only issue involved is with regard to fixation of pay of the petitioner in the revised pay scales of 2010 and 2015 and payment of salary to the petitioner for the period from 24.07.2010 to 13.12.2015. Therefore, appropriate orders be passed in the writ petitions directing the respondents to fix pay of the petitioner in the revised pay scales of 2010 and 2015 and pay salary to the petitioner for the period from 24.07.2010 to 13.12.2015.

Learned Government Pleader appearing for respondents has not disputed the submission made by the learned counsel for petitioner. He has brought to the notice of this Court that the petitioner has submitted representation on 17.01.2019 and the case of the petitioner will be considered and appropriate orders would be passed on the representation submitted by the petitioner.

Learned counsel appearing for the petitioner has drawn the attention of the Court to the proceedings issued by the 3rd respondent on 22.12.2018 and contended that the 4th respondent is not complying the order passed by the 3rd respondent. Therefore, appropriate direction be issued to the 4th respondent to comply the order passed by the 3rd respondent on 22.12.2018.

This Court, having considered the rival submissions, is of the considered view that the respondents have withdrawn charge memo issued against the petitioner vide proceedings dated

17.12.2018 and therefore, the issue with regard to issuance of charge memo dated 30.01.2016 has been resolved. However, with regard to fixation of pay in the revised pay scales of 2010 and 2015 and payment of salary to the petitioner for the period from 24.07.2010 to 13.12.2015, the respondents are directed to consider the case of the petitioner and pass appropriate orders in accordance with Rules by duly considering the representation submitted by the petitioner on 17.01.2019, within four weeks from the date of receipt of a copy of this order.

With the above observations, the writ petitions are disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 18-04-2019
Prv



