

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2020

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THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No. 11308 of 2013

M.V.Rangarajan

..Petitioner

Vs

1. State of Tamil Nadu rep.by its Secretary,  
School Education,  
Fort St.George,  
Chennai - 600 009.

2.The Director of School Education,  
Chennai - 6.

3. The District Educational Officer,  
Lalgudi,Trichy District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Orders passed by the 1<sup>st</sup> Respondent in Letter No. 14583/R.2/2012-5 dated 08.01.2013 and the Order passed by the 2nd Respondent in O.Mu.No. 114359/A4/E1/2010 dated 10.06.2010 and quash the same thereby directing the respondents to follow the G.O.Ms.No.45 Personal and Administrative Reforms (Per.B) Department dated 15.02.1994 and re-fix the salary of the Petitioner and pay all the consequential benefits accrued on the Revision of the Scale of pay along with eligible interest.

For Petitioner : Mr.Harikumar, for Mr.A.R.Nixon

For Respondents : Mrs.P.Kavitha, GA

O R D E R

The prayer sought for in the Writ Petition is to call for the records relating to the Orders passed by the 1<sup>st</sup> Respondent in Letter No. 14583/R.2/2012-5 dated 08.01.2013 and the Order passed by the 2nd Respondent in O.Mu.No. 114359/A4/E1/2010

dated 10.06.2010 and quash the same thereby directing the respondents to follow the G.O.Ms.No.45 Personal and Administrative Reforms (Per.B) Department dated 15.02.1994 and re-fix the salary of the Petitioner and pay all the consequential benefits accrued on the Revision of the Scale of pay along with eligible interest.

2. Heard the learned counsel for the petitioner and learned Government Advocate appearing for the respondents and perused the documents available on record.

3. The learned counsel for the petitioner has submitted that the writ petitioner was appointed as typist in the year 1959 and worked more than 35 years as typist and retired from service on 31.03.1994. The Government passed G.O. Ms.No.45, Personal and Administrative Reforms (Per.B) Department, dated 15.02.1994. Based on the aforesaid Government orders, the writ petitioner made representation to the Government requesting for creation of the post Senior Typist in Tamil Nadu Ministerial Service/Tamil Nadu Judicial Ministerial Service as done in Secretariat. In the aforesaid G.O, the Government has granted selection grade and special grade who put 18 years of service as typist and allowed to exercise their option to serve as Typist or promotion as Assistant.

4. It is further submitted by the learned counsel for the petitioner that the writ petitioner made request on 11.03.1994, while in service, requesting to sanction the benefits as per the said G.O.. Even though the petitioner name was found in the integrated seniority list of Typist as on 01.04.1970, the 2<sup>nd</sup> respondent has passed an order dated 10.06.2010, rejecting the request of the petitioner, stating that the petitioner has retired from service on 31.03.1994. The Appeal filed by the petitioner before the 1<sup>st</sup> respondent was also came to be rejected vide order dated 08.01.2013, confirming the order passed by the 2<sup>nd</sup> respondent. Challenging the same, the present writ petition is filed.

5. Per contra, the learned Government Advocate appearing for the respondents submitted that the G.O. 45 Personal and Administrative Reforms (Per.B) Department, dated 15.02.1994 is not applicable to the case of the petitioner, since the said G.O was issued by the Government to send the proposal of typists who had completed 18 years of service in their respective department. Further the petitioner was given promotion as Assistant by virtue of proceeding in Na.Ka.No. 360266/C5/85/c2, dated 23.09.1985. Where as the petitioner herein has renounced the promotion for three years and later permanently relinquished the promotion for his family circumstances. The same was entered in his Service Register.

6. The learned Government Advocate further submitted that the Government after consolidating all the particulars from the departments it has issued the orders vide G.O. Ms.593, Education, Science and Technology Department, dated 28.08.1996. At the time of issue of the said G.O, the writ petitioner has already retired from service on 31.03.1994. In view of the above, the writ petitioner's claim was rejected by the authority concerned and therefore, the impugned orders passed by the respondents are valid and does not require any interference.

7. On perusal of records, it is seen that the writ petitioner has submitted his applications only on 26.03.2007 and 20.01.2009, whereas the writ petitioner was retired early in the year 1994 i.e, even before the sanction of posts from the Government in the year 1996. Further, in G.O. Ms.593, Education, Science and Technology Department, dated 28.08.1996, it has been stated that out of the 63 Typists as per the list submitted by the Directorate, 2 Typists were retired at the time of consideration and hence only 61 Typists were granted benefits in the said G.O. The writ petitioner is one among the retired Typist, therefore, his name was not considered.

8. Considering the facts and circumstances of the case and by taking note of the fact that the writ petitioner was given promotion as Assistant in the year 1985 and also the fact that the writ petitioner has not challenged the G.O. Ms.593, Education, Science and Technology Department, dated 28.08.1996, this Court find no reason to grant relief as sought for by the writ petitioner and the same is liable to be rejected.

9. In the result, the writ petition is dismissed as devoid of merits. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,  
School Education,  
Fort St.George,  
Chennai - 600 009.

2.The Director of School Education,  
Chennai - 6.

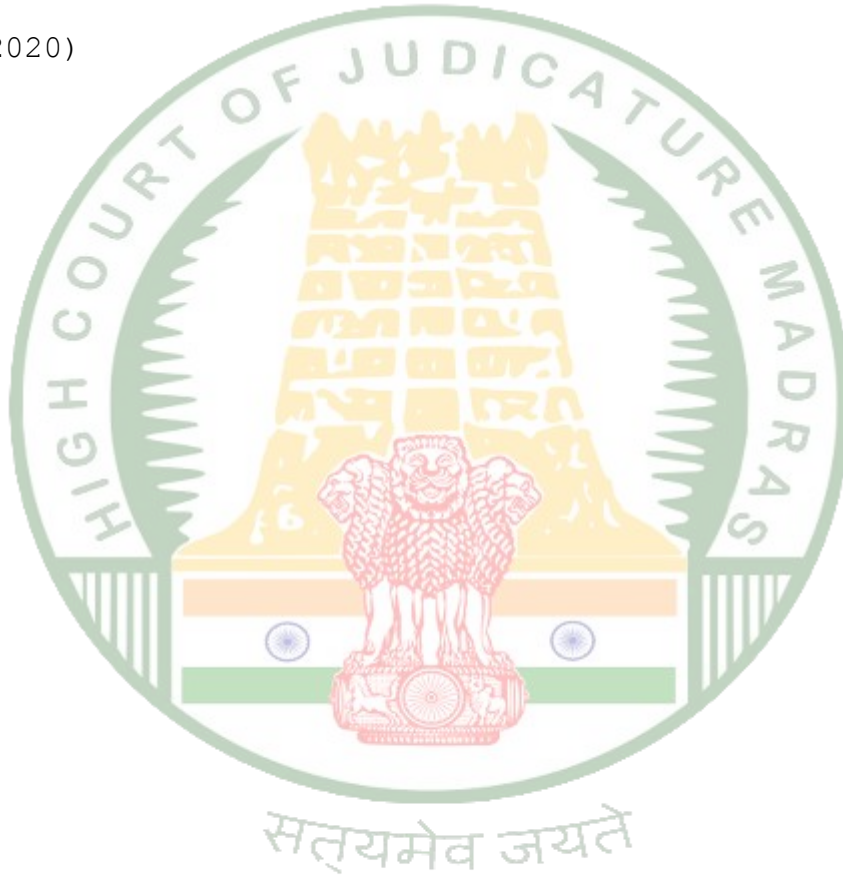
3. The District Educational Officer,  
Lalgudi,Trichy District.

+1cc to Mr.N.R.Nixon, Advocate, S.R.No. 7732

+1cc to the Government Pleader, S.R.No. 7680

W.P.No. 11308 of 2013

KK(CO)  
GN(17/08/2020)



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