

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.02.2020
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P No.2650 of 2020

T.Gladis Bagavathi Bai

Petitioner

vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.
2. The District Educational Officer,
No.5, Riverside Street,
Kamaraj Nagar, Avadi,
Chennai - 600 071.
3. Panchayat Union Middle School,
Rep. by its Head Master,
Sembedu, Tiruvallur - 601 103.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to revise and re-fix the scale of pay received by the petitioner, with effect from 21.07.2009, as per G.O.(Ms)No.536 dated 13.04.1966 and pay the salary arrears and other consequential monetary and service benefits.

For Petitioner : M/s.V.Lakshai Sajin Kumar

For Respondents: Mrs.V.Annalakshmi
Government Advocate

सत्यमेव जयते
O R D E R

This writ petition has been filed for issuance of a writ of mandamus directing the 2nd respondent to revise and re-fix the scale of pay of the petitioner with effect from 21.07.2009 as per G.O.Ms.No.536, dated 13.04.1966.

2.The case of the petitioner is that she was appointed as a Secondary Grade Teacher in the Government Aided Middle School in the year 2001. The petitioner was thereafter transferred to the St. Joseph's Primary School at Tambaram in the year 2007. The petitioner thereafter, got a appointment in the Panchayat Union Middle School in the year 2009. The petitioner was relieved from the earlier school and she was transferred to the Panchayat

Union Middle School with effect from 23.07.2009.

3.The petitioner was getting a scale of pay of Rs.14,690-2,800-20,200 when she was working in the St. Joseph's Primary School at Tambaram. This pay scale was revised and re-fixed as Rs.5,200-2,800-20,200. The grievance of the petitioner is that a lower pay scale has been fixed. According to the petitioner, where the Secondary Grade Teacher working in Aided School gets transferred to an other Government aided School, he or she must be fixed with the same scale of pay and it cannot be reduced. For this purpose, the petitioner is relying upon certain Government orders. The petitioner also gave a representation in this regard on 19.08.2019 to the District Education Officer, Thiruvallur. The District Education Officer, Thiruvallur had forwarded the representation of the petitioner to the District Education Officer, Avadi stating that only he has the jurisdiction to entertain the representation. The grievance of the petitioner is that the 2nd respondent namely District Education Officer, Avadi is yet to consider the representation made by the petitioner and therefore, the petitioner has approached this Court seeking for appropriate directions.

4.Heard M/s.V.Lakshai Sajin Kumar, learned counsel appearing on behalf of the petitioner and Mrs.V.Annalakshmi, learned Government Advocate appearing on behalf of the respondents.

5.Taking into consideration the facts and circumstances of the case, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner on 19.08.2019 seeking for revision and re-fixation of scale of pay and pass appropriate orders strictly in accordance with law, within a period of six weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 2nd respondent along with a copy of the representation dated 19.08.2019 and a copy of this order.

6.This writ petition is disposed of with the above directions. No Costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

ssr

To

1. The Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.
2. The District Educational Officer,
No.5, Riverside Street,
Kamaraj Nagar, Avadi,
Chennai - 600 071.
3. The Head Master,
Panchayat Union Middle School,
Sembedu,
Tiruvallur - 601 103.

+1 cc to M/s.V.L.Akshai Sajin kumar Advocate sr9129

+1 cc to the Government Pleader sr10013

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