

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.18267 of 2010

and

W.M.P.No.1 of 2010

Mr.Aranga Vijayaraghavan ... Petitioner

Vs.

1.The Director of School Education,
DPI Campus,
College Road,
Chennai 600 006.

2.The Chief Educational Officer,
Thiruvarur District, Thiruvarur.

3.The District Educational Officer,
Thiruvarur District, Thiruvarur.

4.National Higher Secondary School,
Rep by its Correspondent,
Gandhi Salai,
Mannargudi - 614 001. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in R.C.No.3641/2009/B2 dated 10.07.2009 and quash the same and consequently direct the 3rd respondent to fix the pay scale of Mr.R.Jayapal to the petitioner with effect from 19.01.1994.

For Petitioner : Mr.S.Thirumavalavan

For Respondents : Mr.A.Raja Perumal, AGP
for R1 to R3
Mr.C.Selvaraj, AGP
for R4

O R D E R

In this writ petition, the petitioner has challenged the impugned order dated 10.07.2009 bearing reference R.C.No.3641/2009/B2. The petitioner has prayed for quashing the same and to direct the 3rd respondent to fix the pay scale of the petitioner on par with Mr.R.Jayapal, with effect from 19.01.1994.

2.The petitioner was appointed on 17.12.1981 as Tamil Pandit in E.R.Higher Secondary School, Trichy. Two years later, i.e. on 25.03.1983, the said Mr.Jayapal was also appointed to the same post. The petitioner was transferred on 19.09.1985 to National Higher Secondary School, Mannargudi. The petitioner later attained the age of superannuation on 31.05.2007 and has retired from service. The petitioner had sent a representation to the 3rd respondent stating that there is disparity in the fixation of salary of the petitioner when compared with the said Jayapal who was two years Junior to the petitioner.

3.By the impugned communication dated 10.07.2009, the 3rd respondent has merely stated that the petitioner was not eligible for refixation of pay. It is the contention of the petitioner that the petitioner is entitled to the benefit of G.O.Ms.No.710 dated 23.8.1994 .

4.I have considered the submissions of the learned counsel for the petitioner and the learned Additional Government Pleaders appearing for the respondent.

5.Since the impugned order dated 10.07.2009 is non speaking, the same is liable to be set aside and the case is remitted back to the 3rd respondent to pass appropriate order after considering the case of the petitioner regarding eligibility of G.O.Ms.No.710, dated 23.08.1994.

6.The third respondent is therefore directed to pass appropriate orders on merits after considering the G.O.Ms.No.710, dated 23.08.1994, within a period of three months from the date of receipt of a copy of this order. Needless to state, the petitioner shall be heard before an order is passed.

7.This Writ Petition stand disposed with the above observations. No cost. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jas / jen

To

1.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

2.The Chief Educational Officer,
Thiruvarur District, Thiruvarur.

3.The District Educational Officer,
Thiruvarur District, Thiruvarur.

4.National Higher Secondary School,
Rep by its Correspondent,
Gandhi Salai, Mannargudi - 614 001.

+1 cc to Mr.S.Thirumavalavan, Advocate Sr.No. 24252

+1 cc to The Government Pleader, Sr.No. 24109

W.P.No.18267 of 2010
and
W.M.P.No.1 of 2010

AD(CO)
RMP(24/07/2020)



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