

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 29.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.NOs.28152, 28153 & 28154 of 2013

U.A.Inniah .. Petitioner in WP.No.28152/2013

P.John Ravi .. Petitioner in WP.No.28153/2013

Antony Samy James .. Petitioner in WP.No.28154/2013

- Vs -

1.The Director of School Education,
Government of Puducherry,
Puducherry

2.The Principal,
Fatima Higher Secondary School,
karuvadikuppam,
Puducherry

..Respondents in all WPs.

Writ petitions filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the second respondent herein to consider and pass orders on the Representations of the petitioners dated 19/08/2013.

In all WPs.

For Petitioners : Ms.Swetha for M/S.Srinath Sridevan

For Respondents : Mr. Stalin Abimanyu, G.A. (PDY) for R1
: Dr.Fr.A.Zavier Arulraj for R2

COMMON ORDER

As the relief sought for in all the petitions are similar in nature, they are disposed of by this common order.

2.The present writ petitions have been filed to direct the second respondent herein to consider and pass orders on the representations of the petitioners dated 19/08/2013.

3.The case of the petitioners is that the petitioners were appointed as PG Teachers in the second respondent school in the year 1984. Insofar as the pay and other benefits of the petitioners are concerned, the second respondent school issued a circular dated 14.06.2006, granting the pay and benefits on par with the Government teachers under the Fifth Pay Commission, stating that the revision of pay will be on par with the staff of the Government Aided school. Hence the petitioners made a representation to the second respondent requesting to sanction the benefits of the pay scale on par with the staff of the Government Aided school. Subsequently the second respondent by its order dated 26.10.2012 stated that benefits would be granted in the pay from the month of March, 2013. The grievance of the petitioners is that the second respondent though had increased the petitioners basic pay as per 6th Pay Commission, but benefits have not been fixed in accordance with the 6th Pay Commission's recommendation. In view of this substantial loss caused to them, and, therefore, they made repeated representations to the second respondent, requesting to rectify the anomaly in the DA, HRA and TA paid to them and to sanction correct pay in accordance with the 6th Pay Commission. Though the representation was received by the second respondent on 19.08.2013 itself, till date no order has been passed by the second respondent and left with no other alternative the petitioners approached this Court by filing the present writ petitions with the above said prayer.

4.Learned counsel for the petitioners submitted that without going into the merits of the case, it would suffice, if this Court directs the 2nd respondent to consider the petitioners representation dated 19.08.2013, within a time frame as fixed by this Court.

5. On the above contention, this Court heard the learned counsel appearing for the respondents, who has no serious objections to such a direction being passed for considering the petitioners representation dated 19.08.2013, on merits. Further the learned counsel submitted that in an earlier occasion, the petitioners filed a petition for the very same relief in WP.NO.4509 of 2010 and this Court by its order dated 03.07.2012, dismissed the petition, however without disclosing the earlier Order of this Court, the petitioners once again filed the present petitions with the very same prayer.

6.onsidering the limited request made by the learned counsel for the petitioners and also considering the the submission made by the learned counsel appearing for the respondents, though the earlier petition was dismissed by this court, however the said decision having not been communicated to the petitioners, this Court is inclined to issue a direction to the second respondent dispose of the petitioners representation dated 19.08.2013 in

consonance with the order passed by this Court in WP.No.4059/2010 within a period of two weeks from the date of receipt of copy of this order, in accordance with law.

7.With the above direction, these writ petitions are disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jrs

To

1.The Director of School Education,
Government of Puducherry,
Puducherry

2.The Principal,
Fatima Higher Secondary School,
karuvadikuppam, Puducherry .

+3cc to Mr.Srinath Sridevan, Advocate, S.R.No.25579,25580,25581

WP.NOs.28152, 28153 & 28154 of 2013

AD(CO)
KKV/27/08/2020

सत्यमेव जयते
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