

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 15.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 29300 & 29301 OF 2013

R.Solaiappan

.. Petitioner in
WP/29300/2013

P.Karunakaran

..Petitioner in
WP/29301/2013

- Vs -

- 1.The Secretary to Government
School Education Department,
Fort. St. George, Chennai 600 009.
- 2.The Director of Elementary Education,
College Road,
Nungambakkam, Chennai 600 006.
- 3.The District Elementary Educational Officer,
Vilupuram,
Vilupuram District.
- 4.The Assistant Elementary Educational Officer,
Olakkur Union,
Tindivanam Taluk,
Vilupuram District.

..Respondents in
both WPs

Prayer: Writ petitions filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to issue the revised scale of pay to the petitioner with effect from 15.07.2009 at 8370 +2800 as a revised pay scale is Rs.11,170/- as detailed in the table NO.10 of the Tamil Nadu revised scale of pay rules 2009 with all consequential benefits based as per the G.O.Ms.No.340 finance (pay cell) department dated 26.08.2010.

For Petitioner : No Appearance
For Respondents : Mr.S.Sureshkumar, GA

COMMON ORDER

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

2. The present writ petitions have been filed by the petitioners to direct the respondents to issue the revised scale of pay to the petitioners with effect from 15.07.2009 at 8370 +2800 as the revised pay scale is Rs.11,170/- as detailed in the Table No.10 of the Tamil Nadu Revised Scale of Pay Rules 2009 with all consequential benefits as per the G.O. Ms. No.340 Finance (Pay Cell) Department dated 26.08.2010.

3. It appears that the petitioners were appointed in the post of secondary grade teachers. As per the G.O. Ms. No.234 the persons who were appointed prior to 31.05.2009 will be fixed in the revised scale of pay of (8370+2800) Rs.11170/-, but the petitioners were fixed in lower scale and were receiving lesser pay, when compared to their juniors, who were receiving higher scale of pay. Subsequently the Government issued a G.O. In G.O. Ms. No.340 Finance (Pay Cell) dated 26.08.2010, which entitled the petitioners to receive revised scale of pay. Since the revised scale of pay was not extended to them, they made detailed representations to the respondents on 29.04.2012 and 30.04.2012 respectively. Since no action was taken on the petitioners representations, the petitioners have filed the present petitions.

4. The matter is listed on the basis of the letter submitted by the learned counsel for the petitioners seeking early listing of the matter. However, when the matter is taken up for hearing, there is no representation on behalf of the petitioners. Therefore, the Court tried to contact the learned counsel for the petitioner over mobile phone. However, for more than an hour the mobile phone was busy and, there was no call back from the learned counsel. Therefore, this Court proceeded to pass the order. However in view of the order which this Court proposed to pass, the absence of the counsel for the petitioners would be in no way a detriment to the case of the petitioners.

5. Learned Government Advocate appeared on behalf of respondents and on instructions submitted that it would suffice if this court issues a direction to consider the representation submitted by the petitioners within a reasonable time as fixed by this court, as has been prayed for.

6. In view of the relief as sought for in the present petitions, this Court, without going into the merits of the

contentions raised in the writ petitions, the petitioners are directed to submit a copy of their representation dated 29.04.2012 and 30.04.2012 respectively along with a copy of this order to the respondents and on submission of the said representation, the respondents are directed to consider the said representations in the light of G.O. Ms. No.340 Finance (Pay Cell) Department dated 26.08.2010, if applicable and pass orders on the said representations in accordance with law within a period of three months from the date of submission of a copy of the representation along with a copy of this order.

7. These writ petitions are disposed of with the aforesaid observations and directions. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrs

To

- 1.The Secretary to Government
School Education Department,
Fort. St. George, Chennai 600 009.
- 2.The Director of Elementary Education,
College Road,
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- 3.The District Elementary Educational Officer,
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- 4.The Assistant Elementary Educational Officer,
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Tindivanam Taluk,
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+1cc to Government Pleader, S.R.No.24769

W.P. NO. 29300 & 29301 OF 2013

MR(CO)
KKV/14/08/2020