

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.31898 of 2014

R.Venkatesan

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep. by the Secretary,
School Education Department,
Fort St. George, Chennai 600 009.
2. The District Educational Officer,
Dharmapuri District,
Dharmapuri.
3. The Chief Educational Officer,
Dharmapuri, Dharmapuri District. ... Respondent

Prayer: This writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to forthwith pay the selection Grade Pay and the Special Grady Pay to the petitioner for his services rendered with effect from 26.06.2002 and 26.06.2012 respectively by considering and passing orders on the representation of the petitioner dated 07.02.2014.

For Petitioner : Mr.S.Arivazhagan

For Respondents : Mrs.P.Kavitha, Gov. Advocate
(for R1 to R3)

O R D E R

This writ petition has been filed to direct the respondents to pay the selection Grade Pay and the Special Grady Pay to the petitioner for his services rendered with effect from 26.06.2002 and 26.06.2012 respectively by considering and passing orders on the representation of the petitioner dated 07.02.2014.

2. The petitioner was appointed as Night Watchman by the 2nd respondent in the Government High School, Raniyampatti on 18.10.1989 and he had worked till 17.12.1997. His service in the post of Night Watchman was regularised and he had completed his probation period on 25.06.1992. On 18.12.1997, the petitioner was transferred and appointed as Office Assistant in the Government High School, Molayanur, Dharmapuri

District. However, by an order dated 03.03.1998, the then District Educational Officer, Dharmapuri has reverted the petitioner and several other office assistants in the Dharmapuri District to the post of Night Watchman.

3. However, on the applications filed by the petitioner and others in O.A.Nos.2202 to 2212, 2214 and 2216 to 2232 of 1998, that reversion order was set aside by the Tamil Nadu Administrative Tribunal. Therefore, the petitioner is working as Office Assistant from 18.12.1997 till date in the Government High School, Molayanur. Since the petitioner has been appointed in the post of Office Assistant in the same scale of pay as that of Night Watchman, he is eligible for Selection Grade Pay from 26.06.2002 and Special Grade Pay from 26.06.2012. However, the respondents have not given the same. Though the petitioner had given several representation, finally he made his last representation dated 7.2.2014 to the 3rd respondent and the 3rd respondent has recommended to the 2nd respondent. Till date, the respondents have not considered the representation of the petitioner and hence, he filed this writ petition.

4. The learned Government Advocate submitted that the District Educational Officer, Dharmapuri has sent a proposal dated 28.01.2014 to the Director of School Education, Chennai for granting permission to the transferred post (Office Assistant) of the petitioner and 35 others and to get relaxation order from the Government to regularize service of the petitioner's post as Office Assistant.

5. According to the Government Advocate, the above said proposal was forwarded to the Government and the same is pending for passing orders. He further submitted that the District Educational Officer, Dharmapuri has also sent a letter dated 16.09.2016 to the Director of School Education seeking status of the above said proposal and also for granting Selection Grade and Special Grade. Therefore, only after getting appropriate orders from the government, the claim of the petitioner for granting Selection Grade pay and Special Grade pay will be considered by the authority concerned. He also placed the letter dated 28.01.2014 and 16.09.2016 sent by the District Educational Officer, Dharmapuri to the Director of School Education.

6. Considering the above said submission, this court is inclined to pass the following order.

i) The first respondent is directed to consider the proposal sent by the District Educational Officer dated 28.01.2014 and pass appropriate order in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

ii) After the decision taken by the Government on the proposal sent by the District Educational Officer, it is

open for the petitioner to seek the relief as claimed in the writ petition.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mst

To

1. The State of Tamilnadu,
Rep. by the Secretary,
School Education Department,
Fort St. George, Chennai 600 009.
2. The District Educational Officer,
Dharmapuri District,
Dharmapuri.
3. The Chief Educational Officer,
Dharmapuri, Dharmapuri District.
Chennai 600 005.

+1cc to Mr.S.Arivazhagan, Advocate, S.R.No. 2409
+1cc to the Government Pleader, S.R.No. 3250

W.P.No.31898 of 2014

PVS (CO)
GN(24/02/2020)

सत्यमेव जयते

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