

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.35948 of 2019

N.Jyothi

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary to Education,
Fort St. George, Chennai.
 2. The Director of School Education,
DPI Compound, College Road,
Chennai 600 008.
 3. The Chief Educational Officer,
West Chennai, Chennai-15.
 4. The District Educational Officer,
West Chennai, Chennai - 15.11.2011.
 5. The Correspondent,
KTCT Girls Higher Secondary School,
Narayana Mudali Street,
Chennai - 79.
- ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to approve the petitioner's appointment with effect from 16.10.1992,

in pursuant to the G.O.Ms.No.967 Education (HS3) Department, as the petitioner is fully qualified and was appointed prior to 23.10.1989, and further direct the respondents to fix the pay scale of the petitioner as Rs.1400 to Rs.2600 from her initial date of appointment i.e 19.10.1989 and fix the revised scale of pay as Rs.5500 to Rs.9000 with effect from 01.01.1996 and pass appropriate order over the proposal submitted by the 3rd respondent to the 2nd respondent on 23.06.2018 and further direct the respondent to sanction all consequential monetary benefits.

For Petitioner : Mr.B.Balajivijayan
For Respondents : Mrs.V.Annalakshmi,
Government Advocate

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 2nd respondent to approve the appointment of the petitioner with effect from 16.10.1997 and to fix the revised scale of pay.

2.The case of the petitioner ts that she was appointed as a Vocational Instructor in the 5th respondent institution on a consolidated pay in the year 1989. She obtained the B.Ed degree while she was tn service in the year 1990 and M.Ed degree in the year

1992. The 5th respondent institution has sent a proposal for approving the appointment to the 3rd respondent and the proposal was pending with the 3rd respondent. The 3rd respondent had passed an order approving the appointment of the petitioner with effect from 01.12.1992. The grievance of the petitioner is that the appointment ought to have been approved from the date of her initial appointment on 19.10.1989. For this purpose, the petitioner is relying upon G.O.Ms.No.967 Education (H53) Department dated 16.10.1992. The petitioner is also claiming for revision of scale of pay. The petitioner had made a representation to the 2nd respondent in this regard and had also approached this Court by filing WP No.2827 of 1996 and a direction was also issued by this Court. After the disposal of the writ petition, the 3rd respondent revised the scale of pay at Rs. 4500-7000 with effect from 1996 instead of the scale of pay Rs.5500-9000. Even subsequently this mistake continued in the subsequent proceedings in the year 2011, The petitioner was making representations and it is the grievance of the petitioner that the anomalies were not rectified.

3.The 4th respondent, who is the District Educational officer had made a proposal to the 3rd respondent in the year 2013

bringing to his notice the repeated anomalies that has happened in the case of the petitioner. However, there was no response. Ultimately, the petitioner attained superannuation on 28.02.2018. The petitioner has been receiving the pension benefits based on the wrong pay fixation. Left with no other alternative, the petitioner has approached this Court seeking for appropriate directions.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

5. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the 2nd respondent to consider the proposal made by the 5th respondent school on 13.06.2017 and also the proposal forwarded by the 3rd respondent on 25.06.2018 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 give a fresh representation to the 2nd respondent along with all the particulars and also a copy of the earlier proposals of the 5th respondent school and the Chief Education Officer

(3rd respondent) and a copy of this order.

6.This Writ Petition is disposed of with the above directions. No costs.

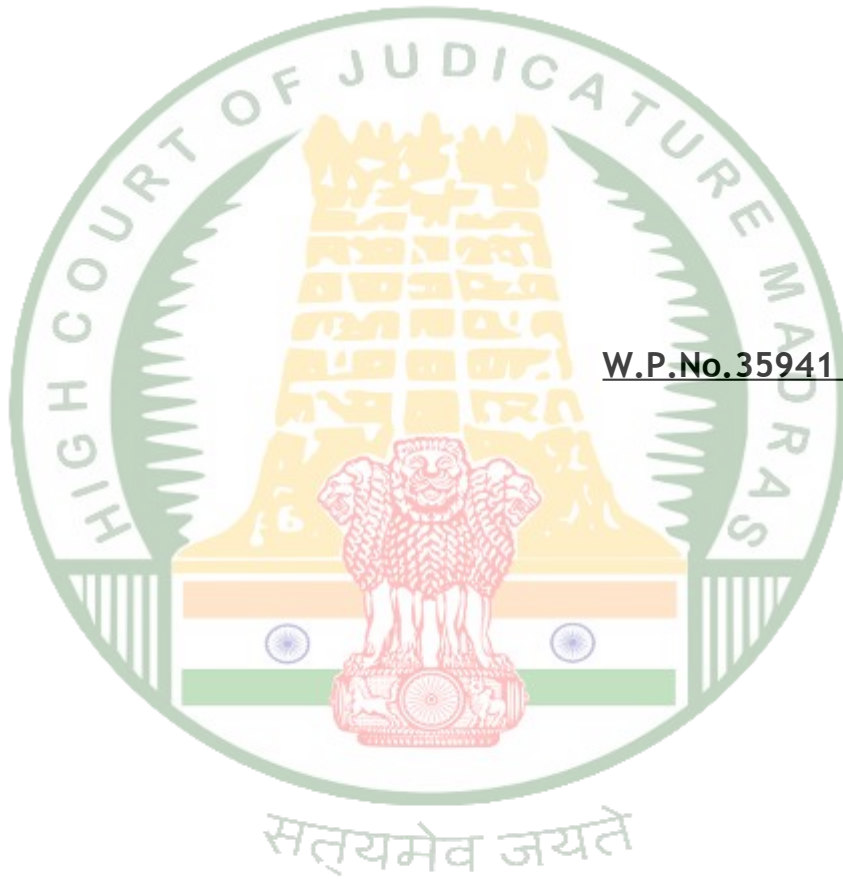
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N.ANAND VENKATESH.,J
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W.P.No.35941 of 2019

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