

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2882 of 2021

N.Sivasubramanian

... Petitioner

Vs.

1. The Director of Elementary Education,
DPI Complex, College Road,
Nungambakkam,
Chennai.
2. The District Elementary Education Officer,
Nagapattinam.
3. The Block Education Officer,
Thalaignayar,
Nagapattinam.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus calling for the records on the file of the 2nd Respondent in connection with Na.Ka.No.2139/A6 2020, dated 01.12.2020 and quash the same and consequently direct the Respondent to continue to grant pay fixation on the basis of Special Grade Scale of Pay.

For Petitioner : Ms.T.Aananthi
For Respondents : Mr.P.Raja,
Government Advocate

O R D E R

Petitioner has come up with this Writ Petition seeking to quash the proceedings of the 2nd Respondent vide Na.Ka.No.2139/A6 2020, dated 01.12.2020 and for a consequential direction to the

Respondents to continue to grant pay fixation on the basis of Special Grade Scale of Pay.

2. It is seen that, in respect of his grievance, the Petitioner has preferred an Appeal to the 1st Respondent on 18.12.2020. Admittedly, the Petitioner has got the right of Appeal. When the Appeal has been preferred by the Petitioner within the time stipulated, in the light of the common order dated 29.07.2009 passed by this Court in W.P. Nos. 1, 2 and 14591 of 2009 in the case of Pyramid Saimira Theatre Ltd. Vs. Regional Provident Fund Commissioner, Employees Provident Fund Organisation and Ors. reported in (2009) IV LLJ 893 Mad, no coercive action shall be taken against the Petitioner.

3. In view of the above, this Court directs the 2nd Respondent to dispose of the Petitioner's Appeal dated 18.12.2020 in accordance with law within a period of sixty days from the date of receipt of a copy of this order.

4. As recovery has been made from the Petitioner's salary for two months and that, the Petitioner has approached this Court belatedly, no further deduction of salary can take place and depending upon the outcome of the Appeal, the amount already recovered can be adjusted/returned/retained by the Respondent concerned.

This Writ Petition is disposed of accordingly. No costs. Consequently, connected W.M.P.Nos.3222 and 3224 of 2021 are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

(aeb)

To:

1. The Director of Elementary Education,
DPI Complex, College Road,
Nungambakkam,
Chennai.

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2. The District Elementary Education Officer,
Nagapattinam.
3. The Block Education Officer,
Thalaignayar,
Nagapattinam.

+1cc to the Government Pleader, S.R.No.7859.

W.P.No.2882 of 2021

PMK (CO)
CSR 17/03/2021



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