

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4491 of 2021

R.Jayaseelan

...Petitioner

-vs-

1. The Government of Tamil Nadu,
Rep. by the Secretary to Government,
School Education, Fort St.George,
Chennai-600 009.
2. The Director of School Education,
(Higher Secondary),
College Road, Chennai-600 006.
3. The Chief Educational Officer,
O/o.The Chief Educational Office,
District Collector Campus,
Sathuvatchaari, Vellore,
Vellore District.
4. The Headmaster,
Government Higher Secondary School,
Pachur, Natrampalli Taluk,
Vellore District.

...Respondents

Prayer: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 27.8.2019 and to extend the benefit of G.O.Ms. No.216, Finance (PC) Department dated 22.3.1993 passed by the 1st respondent in the light of the order passed by the Honourable Supreme Court of India in C.C. No. 2746 of 2010 dated 23.4.2010 and accordingly award selection / special grade scale of pay with effect from 01.06.1988 and revision of pension benefits immediately to the petitioner.

For Petitioner : M/s.R.Kalaiyarasi

For Respondents: Mr.P.Raja
Government Advocate

O R D E R

The petitioner has filed this writ petition, seeking a direction to the respondents to consider the petitioner's representation dated 27.08.2019 and to extend the benefit of G.O.Ms. No.216, Finance (PC) Department dated 22.03.1993 passed by the 1st respondent in the light of the order passed by the Supreme Court in C.C. No. 2746 of 2010 dated 23.4.2010 and accordingly award selection / special grade scale of pay with effect from 1.6.1988 and revision of pension benefits immediately to the petitioner.

2. Mr.P.Raja, learned Government Advocate takes notice for the Respondents. By consent on either side, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he was initially appointed as B.T.Assistant on 05.11.1975 and he got special grade on 19.11.1995 and retired from service on 30.11.2004. It is the case of the petitioner that though he is entitle to be awarded selection / special grade scale of pay with effect from 01.06.1988 and the consequent revision of pension benefits in the light of G.O.Ms. No.216 Finance (PC) Department dated 22.03.1993, the same was not extended to him, inspite of sending a representation dated 27.08.2019. Hence, the petitioner, having left with no other efficacious remedy, has approached this Court by filing this Writ Petition.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation dated 27.08.2019 is already pending with the respondents, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representation of the petitioner dated 27.08.2019, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order, in the light of G.O.Ms. No.216, Finance (PC) Department dated 22.03.1993 and the order of the Apex Court dated 23.04.2010, if applicable;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same

shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of all the representation and this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To:

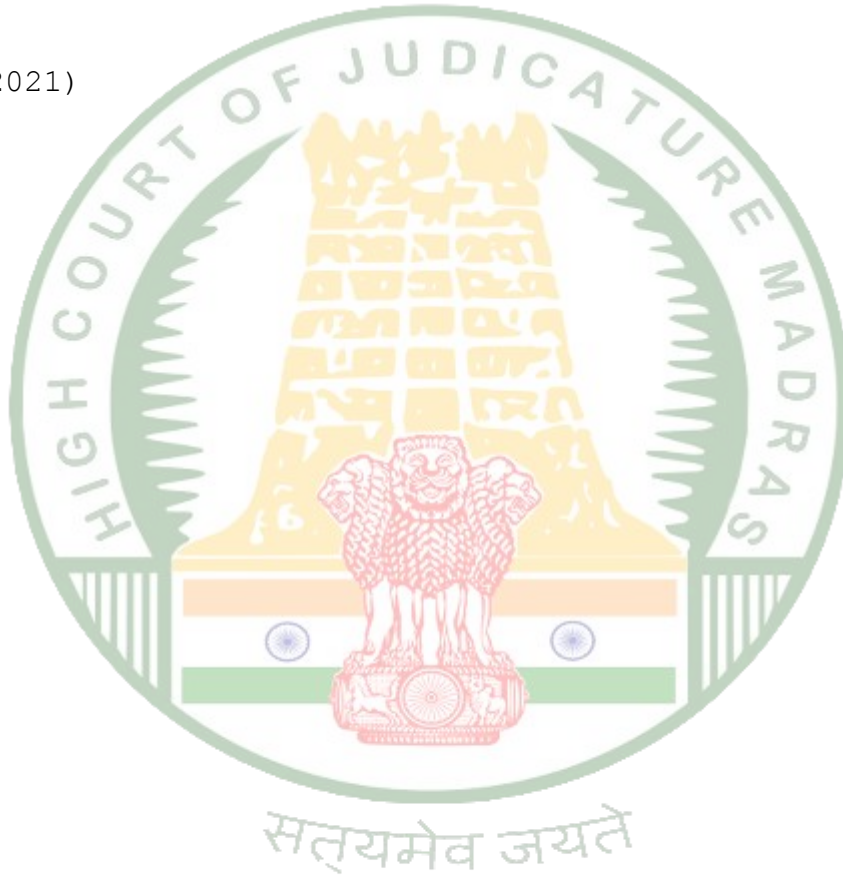
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+1 CC to Mr.C.S. Vijaya Kumar, Advocate sr 15509.
+1 CC to The Government Pleader sr 15561.

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RK (CO)
SP(06/07/2021)



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