

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
W.P.No.6820 of 2015

C.Sugunabai

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
Education Department,
Fort St. George, Chennai - 09.
 2. The Director of Elementary School Education,
DPI Compound, College Road,
Nungambakkam, Chennai - 06.
 3. The District Elementary Educational Officer,
Fort, Vellore - 632 004.
 4. The Additional Assistant Elementary Educational Officer,
Gudiyatham, Vellore District.
 5. The Head Master,
Municipality Urdu Elementary School,
Marnam Pettail, Gudiyatham,
Vellore District.
- ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the second respondent to consider the petitioner's representation dated 10.01.2015 and dispose of the same in accordance with law for revising and fixation of petitioner's pay scale at Rs.1500/- in the scale of pay 1400-50-2300-60-2600 w.e.f. 01.06.1988 onwards in the promoted post of Secondary Grade Teacher.

For Petitioner : Mr.M.Thamizhavel

For Respondents : Mr.A.Rajaperumal,
Additional Government Pleader

ORDER

This writ petition has been filed to direct the second respondent to consider the petitioner's representation dated

10.01.2015 and revise and fix the petitioner's pay scale at Rs.1400-50-2300-60-2600 with effect from 01.06.1988 onwards, in the promoted post of Secondary Grade Teacher.

2. According to the petitioner, she joined as Higher Grade Teacher on 01.02.1960 and was awarded Selection Grade in Higher Grade Teacher post with effect from 01.04.1974 and was awarded Special Grade [Higher Grade] with effect from 01.06.1981. Subsequently, on completion of State Council for Education Research and Training, the petitioner was promoted as Secondary Grade Teacher with effect from 01.09.1984. It is the further case of the petitioner that after introduction of the V Pay Commission, the petitioner was receiving lesser salary, by fixing her basic pay at Rs.1200/-, whereas her juniors, who have not been promoted, were paid higher salary. Even if the petitioner had continued in the special grade of Higher Grade Teacher, according to re-fixation, she would have been paid salary in the time scale of pay at Rs.1320-30-1560-40-2040. Rectifying the said anomaly, she gave several representations to the respondents. Finding no response on the same, the petitioner filed OA.No.4108 of 1992, which was closed on 19.11.2003, by the Tamil Nadu Administrative Tribunal, after recording the statement made in the counter that even though the request was first rejected, subsequently revision has been done and the petitioner has been permitted to draw arrears etc. Pursuant to the same, the petitioner made a representation dated 10.01.2015 to the second respondent, which was not considered. Hence, this writ petition.

3. Upon notice, the third respondent filed a counter affidavit stating that the pay scale of the petitioner was fixed as per G.O.Ms.No.162, dated 13.04.1998 in accordance with the Tamil Nadu Revised Scales of Pay Rules, 1998 referred to in Schedule - I [Rule 3(1)] under Group XVII of the Finance (Pay Cell) Department and hence, the claim of the petitioner cannot be accepted.

4. Heard both sides and perused the materials placed before this Court.

5. Considering the limited relief sought herein, this Court, without expressing any opinion on the merits of the case, directs the respondent authorities to consider the representation of the petitioner dated 10.01.2015, if not already disposed of, and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Secretary to Government,
Education Department,
Fort St. George, Chennai - 09.
2. The Director of Elementary School Education,
DPI Compound, College Road,
Nungambakkam, Chennai - 06.
3. The District Elementary Educational Officer,
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5. The Head Master,
Municipality Urdu Elementary School,
Marnam Pettail, Gudiyatham, Vellore District.

+1cc to Mr.M.Thamizhvel, Advocate SR.No. 9873

+1 cc to Government Pleader Sr.No. 10332

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KV(CO)

A.SK(12.07.2021)

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