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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

W.P.NO.13691 OF 2021

[Video Conferencing]

D.Mohanavel

... Petitioner

.Vs.

1. The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

2. The Chief Educational Officer,
Vellore District,
Vellore.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the respondents to grant fixation of pay in the post of Secondary Grade Teacher with Personal Pay of Rs.750/- as granted in G.O.Ms.No.23, Finance (Pay Cell) Department dated 12.01.2011 with all consequential and other attendant benefits including the arrears of salary, in the light of the orders passed in WP (MD) No.19240 of 2014 dated 02.01.2018 as confirmed in W.A. (MD) No.962 of 2018 dated 29.04.2021 and to pass such further or other orders that this Court may deem fit and proper in the facts and circumstances of the case.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.C.Kathiravan
Government Advocate

ORDER

1. With the consent of both parties, the Writ Petition was taken up for final disposal at the admission stage itself. The learned Government Advocate takes notice on behalf of the respondents.



2. The petitioner has filed the present writ petition seeking for issuance of a writ of mandamus, directing the respondents to grant fixation of pay in the post of Secondary Grade Teacher with Personal Pay of Rs.750/- as granted in G.O.Ms.No.23, Finance (Pay Cell) Department dated 12.01.2011 with all consequential and other attendant benefits including the arrears of salary, in the light of the orders passed in WP (MD) No.19240 of 2014 dated 02.01.2018 as confirmed in W.A.(MD) No.962 of 2018 dated 29.04.2021.

3. This Court heard the submissions of the learned Government Advocate appearing for the respondents and perused the materials available on record.

4. Considering the facts and circumstance of the case and the submission made by the learned counsel on either side, this Court is inclined to allow this Writ Petition and in the light of the order dated 02.01.2018, made in W.P(MD).No.19240 of 2014, the petitioner is entitled to Personal Pay of Rs.750/- on notional basis with effect from 01.01.2006 till 02.06.2010, when he was promoted as B.T Assistant. The question of granting monetary benefit in terms of the said Government Orders will not arise because, he was no longer a Secondary Grade Teacher by then. The 2nd respondent is directed to include the sum of Rs.750/- in the pay of the writ petitioner as Secondary Grade Teacher with notional effect from 01.01.2006 till 02.06.2010 when he was promoted as B.T Assistant.

5. The Writ Petition is disposed of with the above observations and directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssi

To:

1. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Vellore District,
Vellore.



+1cc to Mr.G.Sankaran, Advocate, S.R.No.39637
+1cc to the Government Pleader, S.R.No.40078

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PMK (CO)
PBS/06/09/2021