

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.24977 of 2014

A.Paul Rengaraj

...Petitioner

vs

1. The Secretary to Government,
School Education Department,
Fort.St.George, Chennai-9.
2. The Accountant General (A&E),
Teynampet, Chennai - 18.
3. The Director of Elementary Education,
DPI Compound, College Road,
Chennai -6.
4. The District Elementary Educational Officer,
Perambalur District.
5. The Assistant Elementary Educational Officer,
Perambalur Circle,
Perambalur District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to sanction and disburse the arrears of pay for a sum Rs.2,89,390/- as per the re-fixation with 18% interest w.e.f. from 01.12.2009.

For Petitioner : Mr.K.H.Ravikumar
For R1, R3 & R4 : Mr.C.Munusamy, Spl.GP
For R2 : M/s.J.Sreevidya, AGSC

ORDER

Heard all the parties and perused the materials placed before this Court.

2.The prayer made in this writ petition is to issue a mandamus, directing the respondents to sanction and disburse the arrears of pay to the tune of Rs.2,89,390/- as per the re-fixation, with interest at 18% with effect from 01.12.2009.

3.Upon notice, the fourth respondent filed a detailed counter affidavit, wherein, in paragraph no.8, it is inter alia averred as follows:

"8.... Regarding the averments in the para No.11 and 12, it is submitted that as per the G.O.No.207 Education dated 30.09.2008 excess amount of pension, DCRG and commutation has been paid to the petitioner and he has not eligible for salary arrear as per G.O.207 Edu/dated 30.09.2008. If the pay was refixed as per the G.O.No.234 dated 10.09.2009, there will be a loss of benefit to the petitioner. It is also submitted that the petitioner was holding the post of middle school Headmaster only on 07.09.1993 and hence, period of service from 01.11.1988 to the date of retirement cannot be taken into the calculation for the special grade scale of pay. Therefore, according to the provisions laid down in the G.O.234 dated 10.09.2009 the benefit of the special grade scale of pay is not entitled to the petitioner. Hence, it is further submitted that if the pay was refixed as per the G.O.234 dated 10.09.2009, the pay of the petitioner will be reduced. Therefore, as per the above said Government Order, the petitioner is not eligible for the arrears of pay Rs.2,89,390/-."

With these averments, the respondents sought to dismiss this writ petition.

4.In the light of the specific averment made in the counter affidavit filed by the respondents, this Court is not inclined to consider the relief sought in this writ petition. Accordingly, this writ petition stands dismissed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
School Education Department,
Fort.St.George, Chennai-9.
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Perambalur District.
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Perambalur Circle,
Perambalur District.
- +1 CC to Mr.K.H.Ravikumar, Advocate sr 1863
+1 CC to Mr.J. Sreevidya, Advocate sr 1546.
+1 Cc to The Government Pleader sr 2242.

W.P.No.24977 of 2014

SP(04/03/2021)

सत्यमेव जयते

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