

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 04.03.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.28949 of 2008

M.Rajakumari

... Petitioner

Vs.

1.The Secretary to Government,
School Education (OP1) Department,
Fort St. George,
Chennai - 09.

2.Section Officer (Bills Department)
School Education (OP1) Department
Fort St. George, Chennai - 09.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to implement the G.O.Ms.No.25 Education (OP1) Department dated 31.01.2007 and claim the arrears of pay and allowances to the petitioner and grant the consequential monetary benefits with interest within a reasonable time.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.S.Suresh Kumar
Government Advocate

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondent to implement the G.O.Ms.No.25 Education (OP1) Department dated 31.01.2007 and claim the arrears of pay and allowances to the petitioner and grant the consequential monetary benefits with interest within a reasonable time.

2.The case came up for hearing before this Court as early as on 05.12.2008, where, after giving direction to the second respondent to implement the Government Order as prayed for by the petitioner, the learned Judge directed to post the matter on 22.12.2008 'For Reporting Compliance'.

3.Accordingly, the case has now been posted 'For Reporting Compliance'.

4.Today, when the case is taken up for final hearing, Mr.S.Suresh Kumar, learned Government Advocate appearing for the respondents has submitted that, during the pendency of the writ petition, in the year 2010 itself, the plea of the petitioner having been considered, was accepted and accordingly, an order has been issued by the Government through G.O.(Ms).No.314, School Education (OP) Department, dated 14.12.2010.

5.The learned Government Advocate has also produced the copy of the said G.O.(Ms)No.314, where, inter alia, the following has been stated:

"6)Tmt.M.Rajakumari, Section Officer (Voluntarily Retired), a typist promote Selection Grade Assistant Section Officer, was not eligible for stepping up her pay on par with her junior Tmt.N.S.Gayathri, Personal Clerk promotee - Selection Grade Assistant Section Officer, and also in view of the order of the High Court, Madras dated 25.10.2010 in RA.No.16/2009 in WP.No.28949/2008, the Government consider that the orders issued in the Government Order 3rd read above, fixing the pay at Rs.8900/- on par with her junior Tmt.N.S.Gayathri, Personal Clerk promotee - Assistant Section Officer, is not in order. Accordingly, the Government Order issued in the reference 3rd read above is hereby cancelled."

6.By relying upon the said order passed by the Government, meeting out the demand made by the petitioner, the learned Government Advocate would submit that, the prayer sought for by the petitioner has been met.

7.I have considered the said submission made by the learned Government Advocate and have noted the content of the G.O.(Ms). No.314 and the relevant portion of the same has already been quoted above.

8.In view of the said compliance, having recorded the same, this Writ Petition, since have already been ordered, is hereby closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sgl

To

- 1.The Secretary to Government,
School Education (OP1) Department,
Fort St. George, Chennai - 09.
- 2.Section Officer (Bills Department)
School Education (OP1) Department
Fort St. George, Chennai - 09.

+1cc to the Government Pleader, S.R.No.14198

W.P.No.28949 of 2008

PCH(CO)
KM(29/04/2021)



WEB COPY