



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2021

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P(MD)No.7034 of 2019

B.Mohanram

...Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St George,
Chennai - 600 009.
2. The Director of School Education,
College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Kanyakumari District at
Nagercoil.
4. The District Educational Officer,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to re-fix the petitioner's scale of pay as Rs.8000-275-13500 instead of Rs.5900-200-9900 as on 01.01.1996 and subsequent increments, and re-fix his pension and award monetary benefits to him with effect from 01.03.2017 as per G.O.Ms.No.62 [Finance (CMPC) Department] dated 09.03.2015 on par with similarly placed persons.

For Petitioner : Mr.S.Xavier Rajini
for Mr. R. Murugan

For Respondents : Mr.N.Shanmugaselvam,
Additional Government Pleader

O R D E R

The petitioner herein seeks re-fixation of his scale of pay in accordance with G.O.Ms.No.62 [Finance (CMPC) Department] dated 09.03.2015. In this connection, the petitioner has also made



representations and in view of the non-consideration of the representations, the present writ petition has been filed.

2.The learned Counsel appearing for the petitioner would submit that the reasoning adopted by the third respondent in his proceedings dated 27.12.2018 that the benefit of G.O.Ms.No.90, School Education Department, dated 09.05.2018 would be applicable only to the persons, who were part of the writ appeal mentioned in the proceedings, cannot be sustained in view of the subsequent decision of the Division Bench of this Court in the case of **R.Shankar Vs. Government of Tamil Nadu represented by the Secretary, School Education Department** reported in **(2019) 7 MLJ 727**.

3.While considering the petitioner's submission, this Court is of the view that such a decision can be taken by the respondents themselves, if the petitioner is granted liberty to place the above cited decision before the third respondent for consideration.

4.In the light of the above observations, the petitioner is granted liberty to make a representation ventilating his grievance before the third respondent and on receipt of the same, the third respondent shall consider it and pass appropriate orders on its own merits and in accordance with law, in the light of the judgment in **R.Shankar's** case cited supra, within a period of eight weeks from the date of the receipt of the representation.

5.The writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dsk

1.The Secretary,
Department of School Education,
Fort St George,
Chennai - 600 009.

2.The Director of School Education,
College Road,
Chennai - 600 006.

3.The Chief Educational Officer,
Kanyakumari District at
Nagercoil.

<https://hcservices.ecourts.gov.in/hcservices/>



4.The District Educational Officer,
Nagercoil,
Kanyakumari District.

+1 CC to Mr.R.MURUGAN, Advocate (SR-9642[F] dated 09/03/2021)

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VB (18.03.2021) 3P 6C