



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.19399 of 2017

R.Gracelet

.. Petitioner

Vs

1. The District Elementary Educational Officer,
Madurai-1,
Madurai District.

2.The Assistant Elementary Educational Officer,
Madurai North Zone,
Thallakulam, Madurai,
Madurai District.

3.The Secretary,
Subbrayalu Memorial Middle School,
Alwarpuram, Madurai,
Madurai District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent No.3 to provide the monetary benefits, ie., the annual increments from 2011 to 2012 to 2016-2017, Earned Leave Surrender, Selection Grade on completion of 10 years of service, Salary for the period from June 2012 to July 2013 and Bonus and other allowances to the petitioner within the time stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents 1 & 2	: Mr.C.M.Marichelliah Prabhu Additional Government Pleader
For Respondent No.3	: Mr.C.Venkatesh Kumar for M/s. Ajmal Associates

O R D E R

This petition has been filed, seeking to the third respondent to provide the monetary benefits, ie., the annual increments from 2011 to 2012 to 2016-2017, Earned Leave Surrender, Selection Grade on completion of 10 years of service, Salary for the period from June 2012 to July 2013 and Bonus and other allowances to the petitioner within a stipulated time.



2. The case of the petitioner is that the petitioner was appointed as Secondary Grade Assistant Teacher in a sanctioned vacancy in the 3rd respondent school in the year 2005. During his service, there was a dispute in between the petitioner and the management due to which the School authorities did not permit the petitioner to discharge his duty. Hence, the petitioner filed a writ petition in W.P.No.7904 of 2012 before this Court and subsequently, that writ petition was withdrawn and another writ petition in W.P.No.8102 of 2012 was filed seeking a direction to consider the representations dated 1.6.2012, 4.6.2012, 5.6.2012 and 6.6.2012 and the same was disposed vide order dated 25.7.2013. Thereafter, the 3rd respondent was not permitted the petitioner to enter into the school and discharge his duty as Secondary Grade Teacher from the month of June, 2012 onwards and he was not paid the salary from June, 2012 onwards. As against the 3rd respondent's oral order, the petitioner made a complaint to the Inspector of Police, Mathichiyam (L&O) Police Station, Madurai City. Even thereafter, no action was taken. Hence, the petitioner again filed a writ petition before this Court in W.P.No.1294 of 2013. While the case was pending, the petitioner was allowed to join duty and from 12.7.2013 the petitioner and the petitioner has been receiving regular monthly salary from 12.7.2013 onwards. However, the salary was not paid to the earlier period between 1.6.2012 and 11.7.2013 and other monetary benefits like the annual earned leave and other allowances for the above said period. Hence, the petitioner made a representation dated 12.9.2017 to the respondents. Since the same was not considered, this writ petition has been filed by the petitioner.

3. Learned counsel for the petitioner would submit that it would be suffice, if this Court directs the respondents to consider the petitioner's representation dated 12.9.2017 at the earliest point of time.

4. The learned Additional Government Pleader appearing for the respondents 1 & 2 has no serious objection to consider the representation of the petitioner.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 & 2 and perused the materials available on record.

6. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the respondents to consider the representation dated 12.9.2017 submitted by the petitioner and to pass appropriate orders thereon on merits and in accordance with law, within a period of twelve(12) weeks from the date of receipt of a copy of this order, if not already disposed of.



7. With the above direction, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar(AE)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Elementary Educational Officer,
Madurai-1,
Madurai District.

2.The Assistant Elementary Educational Officer,
Madruai North Zone,
Thallakulam, Madurai,
Madurai District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-11634[F] dated 17/03/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-11808[F] dated 17/03/2021)

+1 CC to M/s.SPL GP (SR-11980[F] dated 17/03/2021)

W.P. (MD) .No.19399 of 2017

16.03.2021

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(CO)

AS(25.05.2021) 3P 6C