



WEB COPY



W.P.No.968 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.12.2022

Coram

The HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.No.968 of 2021

G.Jayapal

.. Petitioner

vs

1.The Joint Director of School Education,
DPI Campus, Chennai.

2.The Chief Educational Officer,
Thiruvallur District.

3.The District Educational Officer,
Thiruvallur District.

4.The Headmaster
Government High School,
Keechalam,
Pullipet Taluk
Thiruvallur – 631 208.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents herein to extend the benefit of G.O.Ms.No.23 of 12.01.2011 to the petitioner by granting the petitioner with Rs.750/- as special pay with effect from 1.1.2006 by merging the same in the scale of BT Assistant with effect



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from 11.03.2009 notionally and with monetary benefits with effect from 12.01.2011 and accordingly revise the salary of the petitioner as per the orders of this Court in W.P.(MD) No.16800 of 2015 dated 11.02.2020.

For Petitioner : Ms.Dakshayani Reddy
For Respondents : Mr.D.Ravichander
Special Government Pleader

ORDER

This matter has been remanded back to this Court pursuant to the order dated 22.07.2022 passed by the Division Bench of this Court in W.A.No.1670 of 2022.

2. Insofar as the first limb of the prayer viz., to direct the respondents to extend the benefit of G.O.Ms.No.23 Finance (Pay Section) Department dated 12.01.2011 to the petitioner is concerned, learned counsel for the petitioner fairly concedes that in view of the Division Bench judgment, the petitioner is not entitled for the said relief.



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3. According to the learned counsel for the petitioner, insofar as the revision of salary of the petitioner on par with the juniors is concerned, which is the second limb of the prayer, he would submit that the petitioner would be satisfied if his representation is considered on merits and in accordance with law within a time frame to be fixed by this Court. The petitioner had earlier given a representation dated 23.11.2016. Since the representation is of the year 2016, the petitioner will have give a fresh representation.

4. No prejudice would be caused to the respondents if the petitioner is allowed to give a representation and a direction is issued to the respondents to consider the same on merits and in accordance with law within a time frame to be fixed by this court.

5. For the foregoing reasons, this writ petition is disposed of by directing the petitioner to submit a representation to the respondents requesting for revision of his salary on par with his juniors within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the third respondent shall pass final orders on merits and in accordance with law on the said representation within a period of twelve weeks thereafter.



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6. With the aforesaid direction, the writ petition stands disposed of. No costs.

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Index:Yes/No
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To

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ABDUL QUDDHOSE,J.

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