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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-06-2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.17436 of 2014

And

MP Nos.2 and 3 of 2014

S.Rajendran

..Petitioner

vs.

1. The Joint Director of School Education,
DPI Building,
Nungambakkam,
Chennai.

2. The Chief Educational Officer,
Namakkal District.

3. The Head Master,
Mohanur Government Girls Higher Secondary
School,
Mohanur,
Namakkal District.

..Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records with respect to the impugned proceedings of the third respondent dated 16.09.2013 in Na.Ka.No.410/2013 consequently direct the respondents herein to grant selection grade of pay from 05.06.2012 and the same to be paid to the petitioner within a reasonable period along with 18% interest.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.A.M.Ayyadurai,
Government Advocate.



O R D E R

The order cancelling the revision of pay already granted is sought to be quashed in the present writ petition.

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2.The writ petitioner was appointed as P.G. Assistant and he made an application for stepping up of his pay on par with his junior one Mr.P.Ravichandran.

3.Considering the comparative statement submitted by the writ petitioner, the pay of the petitioner was stepped up in proceedings dated 08.02.2013. An audit objection was raised with reference to the stepping up of pay of the writ petitioner on par with Mr.P.Ravichandran. Based on the audit objection, the order dated 08.02.2013 was cancelled by the third respondent in proceedings dated 16.09.2013, which is impugned in the present writ petition.

4.The learned counsel for the petitioner mainly contended that cancellation of the proceedings dated 08.02.2013 was issued based on the audit objection and without issuing any show cause notice to the writ petitioner. Thus the order is in violation of the principles of natural justice.

5.The learned Government Advocate appearing on behalf of the respondents is unable to establish that the impugned order has been passed only after issuing a show cause notice and an opportunity to the writ petitioner.

6.This being the factum, the case of the writ petitioner is to be remanded back to the respondents for reconsideration of the issues.

7.Accordingly, the order impugned passed by the third respondent in proceedings Na.Ka.No.410/2013 dated 16.09.2013 is quashed. The respondents are directed to issue the show cause notice setting out all the facts and details to the writ petitioner, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is at liberty to submit his explanations/objections, if any, within a period of two weeks from the date of receipt of the show cause notice to be issued by the respondents. Thereafter, the respondents are directed to consider the materials available on record and verify the eligibility of the writ petitioner for stepping up of pay with reference to the Fundamental Rules and accordingly pass orders on merits and in accordance with law as expeditiously as possible, preferably within a period of 12 weeks from the date of receipt of copy of the order.



8. With the above directions, the writ petition stands allowed. However, there shall be no order as to costs. Consequently connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Joint Director of School Education,
DPI Building,
Nungambakkam,
Chennai.
2. The Chief Educational Officer,
Namakkal District.
3. The Head Master,
Mohanur Government Girls Higher Secondary School,
Mohanur, Namakkal District.

+1cc to M/s.R.Nalliyappan, Advocate, S.R.No.36068

+1cc to the Government Pleader, S.R.No.36947

W.P.17436 of 2014

PMK(CO)
RGA(30/06/2022)