



WEB COPY



W.P.No.28713 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.11.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.28713 of 2022

A.C.Manikandan

..Petitioner

-Vs-

1. The Government of Tamil Nadu,
rep. by Secretary to the Government,
School Education Department,
Fort St.George,
Chennai - 600 009.

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

3. The District Educational Officer,
Thiruvallur, Thiruvallur District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to treat petitioner's initial appointment as Junior Assistant with consequential relief without backwages, in terms of G.O.Ms.No.1499, Labour and Employment (C1) department dated 03.08.1989.

For Petitioner : Mr.R.Saseetharan

For Respondents : Mr.C.Sathish,
Government Advocate

ORDER



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This writ petition has been filed for a Mandamus seeking for a direction to the respondents to treat petitioner's initial appointment as Junior Assistant with consequential relief without backwages, in terms of G.O.Ms.No.1499, Labour and Employment (C1) Department dated 03.08.1989.

2. Heard the learned counsel for the petitioner and Mr.C.Sathish, learned Government Advocate, accepts notice on behalf of the respondents. By consent of the parties, the writ petition has been taken up for final disposal.

3. At the outset, the learned counsel for the petitioner would submit that even though a positive direction has been sought for by the petitioner in this writ petition, he will be satisfied, if his representation is considered on merits and in accordance with law. The petitioner claims that he was appointed on compassionate appointment as Office Assistant and at the time of his compassionate appointment, he was qualified to be appointed as Junior Assistant. However, according to him, only after a long drawn battle, he was appointed as Junior Assistant on 13.12.2002. However, according to the petitioner, his seniority and pay has not been taken with effect from the date of his initial appointment as Office Assistant. In such circumstances, he has given a representation dated 11.10.2021 for the said purpose. Since the



W.P.No.28713 of 2022

petition. The petitioner relies upon G.O.Ms.No.1499, Labour and Employment (C1) Department dated 03.08.1989 as well as the orders of this Hon'ble Court for the purpose of substantiating his claim that he is entitled for pay fixation, based on his initial appointment as Junior Assistant.

4. It is for the respondent to consider the same on merits and in accordance with law. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law within a time to be fixed by this Court.

5. For the foregoing reasons, this Court directs the 1st respondent to pass final orders on the petitioner's representation dated 11.10.2021 seeking for his pay fixation and for seniority based on his initial appointment as Office Assistant within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is directed to enclose a copy of this order to the 1st and 2nd respondents for effective implementation of this order.

6. With the aforesaid direction, the Writ Petition is disposed of. No costs.

01.11.2022

Speaking/Non-speaking order
Index: Yes/No
vsi

ABDUL QUDDHOSE,J.



W.P.No.28713 of 2022

Vsi

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