



WEB COPY



W.P.No.24428 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.24428 of 2014

G.Manoranjitham

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by Secretary to Government,
Environment and Forest Department,
Secretariat,
Chennai – 600 009.
- 2.The Principal Chief Conservator of Forest,
Chennai 600 015.
- 3.The Conservator of Forests,
Coimbatore Circle,
Coimbatore.
- 4.The District Forest Officer,
Gudalur Division,
Gudalur,
Nilagiri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the orders in (i) Proceedings E1/7458/2012 dt 12.09.2013 of the 4th respondent and 1st respondent (ii)Government Letter No.25959/FR2/2013-2 Environment and Forest Department dated 16.04.2014, to quash the same and to issue consequential directions to the



W.P.No.24428 of 2014

respondents to (1) appoint the petitioner as Head Master with retrospective effect in the light of instructions in Government Letter No. 37106/FR.NG/91-6 dated 04.05.1992 of the first respondent and Pro.Na.Ka.No.S2/36859/2011 dated 17.09.2012 of the second respondent (ii) to refix the pay of the petitioner in the Selection Grade and Special Grade from 28.04.1986 and 28.04.1996 respectively (iii) to cancel the proceedings of the 4th respondent in Pro.S.O.No.119/98 dated 19.05.1998 and in Pro.No.E1/7458/2012 dated 12.09.2013 and to refund the sum of Rs.49,242/- recovered from the petitioner, with interest and (iv) to revise her pensionary benefits.

For Petitioner : Mr.P.Kumaravel
For Mr.M.Ravi

For Respondents : Mrs.S.Anitha
Special Government Pleader

ORDER

The order of rejection, rejecting the claim of the writ petitioner for grant of upgradation and revision of pay in the post of Head Mistress dated 12.09.2013 and 16.04.2014 are under challenge in the present writ petition.

2. The petitioner was appointed as Secondary Grade Teacher by the Divisional Forest Officer, Nelliylam Tea Division, on 26.04.1976. The petitioner was holding the post of Head Mistress in Tantea Primary School. The petitioner had reached the age of superannuation on



30.11.1997 and allowed to retire from service. Though the petitioner was allowed to function as Head Mistress, she was not regularly promoted to the post of Head Mistress and was holding the post of Secondary Grade Teacher.

3. In view of the fact that the post of Head Mistress was sanctioned during the relevant point of time and not filled up as regular post, the petitioner was allowed to function as Head Mistress. On such circumstances, the petitioner claimed the benefits attached to the post of Head Mistress including re-fixation and arrears of pay. The arrears of pay, in this regard, originally claimed by the petitioner was objected by the competent authority and an order of recovery was issued. The said recovery order was challenged by the petitioner before the Tamil Nadu Administrative Tribunal, Chennai, in O.A.No.5371 of 1998. The Tribunal dismissed the application on the ground that the petitioner has wrongly claimed the benefits and obtained the pay scale applicable to the post of Head Mistress, whereas, she was only working as Secondary Grade Teacher. The said order became final and the petitioner has not preferred any appeal, challenging the order passed by the Tribunal.



4. After a lapse of about 11 years, the present writ petition is filed.

In between, the writ petitioner submitted a representation to the Authorities repeatedly and the said representation was rejected in the year 2013 and challenging the said order, the present writ petition is filed, as if it is a new cause of action for the purpose of adjudication. Repeated orders of the authorities would not provide fresh cause of action. The case originally aroused at the time of service in the Department, cannot be re-opened after retirement, more specifically, after a lapse of many years. Any grievances exists, which all are to be redressed within a reasonable period of time.

5. In the present case, the petitioner retired in the year 1997 and thereafter, she filed the Original Application in O.A.No.5371 of 1998 before the Tamil Nadu Administrative Tribunal and the said application was dismissed. Thereafter, no appeal has been preferred by the petitioner. Contrarily, she was repeatedly submitting representations to the respondents, a reply was given in the year 2013. The said reply is under challenge in the present writ petition.

6. The fact remains that the petitioner was not appointed as Head

Mistress. The petitioner was holding the post of Head Mistress as in-



W.P.No.24428 of 2014

charge, as she was appointed to the post Secondary Grade Teacher. Thus, the benefits applicable to the said post was already settled in favour of the writ petitioner. Now, the petitioner is aged more than 80 years and the writ petition itself has been filed, after a lapse of many years from the dated of retirement and further, there is no infirmity in respect of the fixation and payment of pension to the writ petitioner. The petitioner now cannot seek any revision of pay with reference to the order of 1998, at this length of time. Thus, this Court is not inclined to consider the relief as such sought for in the present writ petition.

7. Accordingly, the Writ Petition stands dismissed. No costs.

13.07.2022

Jeni

Index : Yes

Speaking order : Yes



W.P.No.24428 of 2014

To

WEB COPY

- 1.The Government of Tamil Nadu,
Represented by Secretary to Government,
Environment and Forest Department,
Secretariat,
Chennai – 600 009.
- 2.The Principal Chief Conservator of Forest,
Chennai 600 015.
- 3.The Conservator of Forests,
Coimbatore Circle,
Coimbatore.
- 4.The District Forest Officer,
Gudalur Division,
Gudalur,
Nilagiri District.



WEB COPY



W.P.No.24428 of 2014

S.M. SUBRAMANIAM, J.

Jeni

W.P.No.24428 of 2014

13.07.2022