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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.10.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

**W.P.Nos. 5379, 5381, 5384, 5386, 5387, 5390, 5392, 5393, 5394, 5396 ,
5398, 5399, 5402 , & 5491 of 2020**

W.P.No.5379 of 2020

L. Malathi

...

Petitioner

versus

1. The District Educational Officer,
O/o. The District Educational Officer,
S.S. Kulam Educational District,
Coimbatore District.

2. The Block Educational Officer,
O/o. The Block Educational Officer,
S.S.Kulam Educational District,
Coimbatore District.

3. The Head Master,
Panchayath Union Primary School,
Kadampadi , Sulur Union,
S.S.Kulam Educational District,
Coimbatore District

...

Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the 2nd respondent to revise the pay scale of the petitioner as per the G.O.Ms.No.234 dated 01.06.2009 issued by the Finance (Pay Cell) Department, read with G.O.Ms.No.240 dated 22.07.2013 issued by the Finance (Pay Cell) Department, based on the petitioner's representation dated 05.10.2013 submitted within time limit prescribed therein for having acquired selection grade in qualified time for invoking re option to revise the scale of pay, consequently direct the respondents 1 & 2 to disburse the entire arrears of salary, all attendant monetary, service benefit., etc forthwith within the time frame as fixed by this court.

For Petitioner in all W.Ps.	:	M/s. S.Menaka, for Mr.A.C.Manibharathi
For Respondents in all W.Ps	:	Mr.T.Chezhiyan, Additional Government Special Government Pleader



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COMMON ORDER

Since the issues involved in all these writ petitions are one and the same, they are taken up together and disposed of by way of a common order.

2. All the petitioners have been working as B.T. Assistant in the third respondent school. The Government has decided to implement the recommendations of Pay Grievance Redressal Cell as per the 7th Pay Commission and granted permission to the employees as a final opportunity for exercising re-option to come over to the revised scale of pay between 01.01.2006 and 31.05.2009 as an one time measure in cases where option could not be exercised within the time limit to the advantage of the individual employees. However, such re-option should not be given any case lead to fixation of lower pay than what has already been fixed. The said Government Order in G.O.Ms.No.240, Finance (Pay Cell) Department, dated 22.07.2013 has been issued, in which, it has also been stated that it shall be in force for a period of six months from the date of issue.



3. All the petitioners, who failed to exercise their option within the time limit, have come out with the similar request to enjoy the benefits given vide 7th Pay Commission.

4. It is true that the writ petitioners ought to have abided the time limit given in G.O.Ms.No.240, Finance (Pay Cell) Department, dated 22.07.2013. However, I feel that the representations of the petitioners can be sympathetically considered by condoning the delay taking into consideration of the fact that those benefits are being enjoyed by the similarly placed employees, who are in service.

5. Hence, the second respondent is directed to consider the representations of the petitioners dated 05.10.2023 and pass appropriate order on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order . No costs.

13.10.2023

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

mrp



To

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R.N.MANJULA, J.

mrp

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13.10.2023