



W.P.(MD).No.19230 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.19230 of 2023

S.Manimuthu

... Petitioner

Vs

1. The Chief Educational Officer,
Ramanathapuram.

2. Ayira Vaisya Higher Secondary School,
Rep by its Secretary, 5/337 Sowkathali Street,
Paramakudi - 623 707, Ramnad District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay the increments for the years from 10/2019 to 10/2022 based on the representation made by the petitioner dated 14.03.2023 within the time limit stipulated by this Court.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate



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ORDER

The present writ petition has been filed seeking a direction to the respondents to pay the increments to the petitioner, for the years from 10/2019 to 10/2022, based on the representation made by the petitioner, dated 14.03.2023, within the time limit stipulated by this Court.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself. Notice to the second respondent is dispensed.

3.Heard, Mr.R.Saravanan, learned counsel appearing for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents.

4.(i).The petitioner was appointed as Vocational Teacher on 05.01.1991 at second respondent's school. He was brought under the regular time scale of pay, vide proceedings of the second respondent, dated 26.11.2002. His service was regularised on 10.06.2002 by proceedings of the second respondent, dated 31.05.2007.



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(ii)The petitioner filed a writ petition in W.P.No.19688 of 2014 challenging the orders passed, on the basis of Government Letter, dated 02.01.2014, on the file of the first respondent, thereby, seeking the respondents to extend the benefits of G.O.(2d)No.7 School Education Department, dated 23.02.2012. The said writ petition was allowed, thereafter, the Government vide G.O.(2d)No.153, School Education (VE) Department, dated 30.10.2015 regularised the service of the petitioner, with effect from 05.10.1996 based on G.O.Ms.No.358 Elementary Education Department, dated 18.08.1997 and his service benefits had been given from 08.07.2004 based on G.O.Ms.No.69, Elementary Education Department, dated 20.03.2007.

(iii)While so, the first respondent has issued a show cause notice, dated 05.08.2020 stating that the excess salary paid to the petitioner should be recovered. The petitioner has also submitted his explanation on 07.08.2020. However, without considering the explanation of the petitioner, the first respondent passed an order of recovery, dated 04.03.2021. Hence, the petitioner filed a writ petition in W.P.(MD)No.5503 of 2021 challenging the same. The said writ petition was allowed by the order of this Court, dated 29.08.2022.



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(iv) Even after that, the respondents failed to pay the eligible amount, to which, the petitioner is entitled to for the years from 2019 to 2022. Therefore, the petitioner submitted representations, dated 23.11.2022 and 14.03.2023, through proper channel and there was no response. Hence, the writ petition came to be filed.

5. Without going into merits of the case, this Court hereby direct the respondents to consider the representation submitted by the petitioner, dated 14.03.2023 and decide the issue pertaining to the payment of increments to the petitioner for the years from 2019 to 2022 and pass appropriate orders on merits and in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

09.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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