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W.P.No.25097 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.25097 of 2012

C.Kaliyaperumal

... Petitioner

Vs.

1.The Director of Elementary Education,
College Road,
Nungambakkam,
Chennai – 600 006.

2.The Additional Assistant,
Elementary Educational Officer,
Kudavasal, Thiruvavarur District.

3.The District Elementary Educational Officer,
Thiruvavarur.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records of the third respondent pertaining to the proceedings in No.ந.க.எண்.1470/2010/அ1, dated 28.10.2010 and quash the same, consequently direct the respondents to disburse the proper amount to the petitioner.

For Petitioner : Mr.T.S.N.Prabhakaran



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For Respondents 1 to 3 : Mr.C.Selvaraj,
Additional Government Pleader

ORDER

The petitioner has filed this writ petition to call for the records of the third respondent pertaining to the proceedings in No.ந.க.எண்.1470/2010/அ1, dated 28.10.2010 and quash the same, consequently direct the respondents to disburse the proper amount to the petitioner.

2. The case of the petitioner is that the petitioner have entered into the school education service as early as on 03.06.1963 as Secondary Grade Teacher and thereafter, the petitioner has been assigned the job of Head Master in a Middle School on 08.02.1982. Subsequently, the petitioner has been promoted as the Additional Assistant Educational Officer and posted at Kudavasal and superannuated from service on 31.01.1998. This being so, while in service, the petitioner has filed a petition before the Tamil Nadu Administrative Tribunal at Chennai in O.A.No.2927 of 1998 to consider the service of the petitioner as secondary grade teacher and the same was allowed on 17.04.2002. As per the order of the Tribunal, the petitioner's service as secondary grade teacher was considered and selection and special grade was



also given to him, while he had served as Head Master in a Middle School.

However, the said order was not considered by the respondents 1 & 2.

Hence, the petitioner has filed a contempt petition before this Court.

2.1. In the contempt petition, the respondents therein undertook to comply the order. Instead of complying the order, the respondents 1 & 2 along with the Assistant Elementary Educational Officer, Panrutti, filed a writ petition before this Court in W.P.No.37855 and 37997 of 2003 and the same was dismissed on 28.02.2008. Thereafter, the undertaking given by the respondents 1 & 2 herein came into action through the said proceedings in Pa.Mu.No.1006/அ1/2008, dated 23.11.2009. This being so, in the said proceeding, the officials have wrongly mentioned the basic pay as Rs.1800/- instead of mentioning as Rs.2,180/- and the same was also entered in the service register. In order to rectify the inadvertent mistake and disburse the non-payment amount immediately, the petitioner has sent several petitions to the respondents, however, the same was not considered. Hence, the petitioner has preferred a writ petition before this Court in W.P.No.14367 of 2010 and the same was disposed on 23.11.2009 with a direction to the first



respondent to consider the petitioner's representation dated 09.05.2010, within a period of eight weeks from the date of receipt of a copy of this order.

But, no order has been passed. Hence, the petitioner has filed a contempt petition in Cont.P.No.926 of 2010, but the same was closed by this Court on the letter given by the fourth respondent dated 28.10.2010 in proceedings No.1470/2010/அ1. The said proceeding issued by the fourth respondent is not proper. Hence, he made another representation dated 12.08.2011 before the respondents, seeking to rectify the error on calculation of accounts. Since, the representation being made, no order has been passed by the respondents. Challenging the said proceeding dated 28.10.2010, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 09.05.2010 and pass orders on merits within a particular time frame to be fixed by this Court.



4. Learned Additional Government Pleader appearing for the respondents would submit that the competent authority to consider the petitioner's representation is third respondent/The District Elementary Educational Officer, Thiruvavarur.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the third respondent/The District Elementary Educational Officer, Thiruvavarur to consider the petitioner's representation dated 09.05.2010 and pass appropriate orders on merits and in accordance with law and by taking into consideration of the order dated 02.12.2010 passed by the District Elementary Educational Officer, Erode in favour of one Sundararajan, junior to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

7. This writ petition is disposed of with the above observation and direction. No costs.



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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

J.SATHYA NARAYANA PRASAD,J.

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To:

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