



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

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THE HONOURABLE JUSTICE BATTU DEVANAND

Writ Petition No.442 of 2018
& WMP Nos.501 & 10635 of 2018

M.Ragupathy

..Petitioner

vs.

1.The District Elementary Educational Officer,
Nagapattinam.

2.The Assistant Elementary Educational Officer,
Vedaranyam.

3.Saraswathy Aided Primary School
rep. by its Secretary,
Thethakudi South, Vedaranyam Taluk,
Nagapattinam District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records relating to the proceedings of the second respondent in Na.Ka.No.1614/A3/2012, dated 24.11.2017 and quash the same as illegal.

For Petitioner : Mr.R.Sureshkumar for

M/s.K.M.Vijayan Associates

For Respondents : Ms.P.Rajarajeswari, GA, for RR1, 2



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ORDER

This Writ Petition has been filed against the proceedings of the second respondent in Na.Ka.No.1614/A3/2012, wherein, it is informed to the Secretary, Saraswathy Aided Primary School, Thethakudi South, Vedaranyam Taluk, Nagapattinam District that the final decision on the letter submitted by the Secretary of the school dated 23.11.2017, for fixing the new pay scale to the petitioner as per the recommendations of the 7th Pay Commission dated 11.10.2017, can only be decided after the final judgment in WP.No.18964 of 2012.

2.The learned counsel for the petitioner submits that the order impugned in this Writ Petition is in violation of the principles of natural justice as it was passed without giving any opportunity to the petitioner and no notice was served to the petitioner.

3.On the other hand, learned Government Advocate appearing for the respondents 1 & 2 submits that the order impugned in this Writ Petition is not issued to the petitioner and it was a reply communicated to the third



respondent herein, in reply to their letter dated 23.11.2017. As such, the petitioner is not entitled for any notice before communicating the impugned proceedings to the third respondent.

4. Having heard the learned counsel on either side and on perusal of the material available on record, it appears that the petitioner is working as Headmaster of the third respondent school. He filed a Writ Petition in W.P. No.18964 of 2012 against the order of the second respondent, wherein, the proceedings were issued for recovery of a sum of Rs.32076/- from the salary of the petitioner for wrong commutation by the respondents. In the afore said Writ Petition, this Court has granted interim stay on 14.07.2012 and the same is pending. During the pendency of the said Writ Petition, the third respondent school addressed a letter to the second respondent for fixing new pay scale to the petitioner as per the recommendations of the 7th Pay Commission. Considering the said letter, the second respondent vide impugned proceedings informed the third respondent that fixing the new pay scale as per the recommendations of the 7th Pay Commission to the petitioner will be decided only after the final judgment in WP.No.18964 of 2012. As rightly pointed out by the learned Government Advocate, the impugned



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order was not passed against the petitioner but that is only communication sent to the third respondent in response to their letter dated 23.11.2017. As such, there is no substance in the contention of the learned counsel for the petitioner that he is entitled for the notice before issuance of the impugned proceedings and there is violation of principles of natural justice in issuing such proceedings. For these reasons, in the considered opinion of this Court, the petitioner is not entitled for any relief as sought in this Writ Petition.

5. However, learned counsel for the petitioner submitted that W.P.No.18964 of 2012 filed by the petitioner was allowed by this Court by order dated 27.11.2023, wherein, the order of the second respondent in Na.Ka.No.121/A1/12 dated 29.06.2012 was quashed. In view of this subsequent development, the respondents 1 & 2 can be directed to fix the salary of the petitioner as per the recommendations of the 7th Pay Commission, taking into consideration that WP.No.18964 of 2012 was allowed by this Court in favour of the petitioner.

6. In view of the above, this Writ Petition is disposed of with a



direction to the respondents 1 & 2 to fix the salary of the petitioner as per the recommendations of the 7th Pay Commission, taking into consideration that WP.No.18964 of 2012 was allowed by this Court in favour of the petitioner, within a period of four(4) weeks from the date of receipt of a copy of this order.

No costs.

Consequently, connected miscellaneous petitions are closed.

20.08.2024

Index : Yes/No
Speaking order: Yes/No
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To

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BATTU DEVANAND, J

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