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W.P. No.28949 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.28949 of 2015
and M.P.No.1 of 2015

I.Kempanna

..Petitioner

Vs.

1.The State of Tamil Nadu

Rep. By Secretary to the Government,
School Education Department,
Fort St.George, Chennai-600 009.

2.The Director of Elementary Education,
College Road, Chennai-600 009.

3.The District Elementary Educational Officer,
Krishnagiri District,
Krishnagiri.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd Respondent issued in Na.Ka.No.2645/A3/2014 datd 04.10.2014 and in Na.Ka.No.024082/14/2014 dated .01.2015 by the 3rd and 2nd Respondents respectively and quash the same and issue a consequential direction to the Respondents 1 and 2 to approve the proceedings of the then District Elementary Educational Officer, Krishnagiri District, issued in Moo.Moo.No.1464/A3/2013 dated .06.2013 as forwarded in proceedings issued in Na.Ka.No.2780/A3/2013 dated 28.10.2013 of the then District Elementary Educational Officer,



W.P. No.28949 of 2015

Krishnagiri District and grant all monetary benefits with arrears of pay and pension.

For Petitioner : Mr.R.Saseetharan

For Respondents : Mr.M.Rajendiran
Additional Government Pleader

ORDER

Today, when the matter was taken up for hearing it was pointed out by the learned counsel for the petitioner that vide a communication dated 06.02.2013 the 3rd Respondent had affirmed the petitioner's entitlement to stepping up of pay. However, vide communication dated 30.07.2013, the Principal Accountant General (Accounts and Entitlement) Tamil Nadu, had found that the petitioner has retired, thus any pay anomaly can be rectified only by the Government and the Head of the Department cannot issue order in such cases as set out vide Government letter No.20419/FRI/99-5 P&AR dated 30.12.1999.

2. The learned counsel for the Respondents would submit that the concerned authority would consider the entitlement for stepping up of pay taking into account the communication dated 06.2013 by the 3rd Respondent and orders shall be passed in accordance with law after



W.P. No.28949 of 2015

putting the petitioner on notice.

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3. In view of the submissions made by the learned counsel for the petitioner and the Respondents, without going into the merits of the case this Court directs the concerned authority to consider the petitioner's entitlement for stepping up of pay taking into account the communication dated 06.2013 by the 3rd Respondent and pass orders in accordance with law after putting the petitioner on notice. If the petitioner is found eligible for stepping up of pay, the same shall also be disbursed to the petitioner. The above exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

4. The writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

01.08.2024

Speaking (or) Non Speaking Order

Index: Yes/No

Neutral Citation: Yes/No

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W.P. No.28949 of 2015

MOHAMMED SHAFFIQ, J.

mka

To:

- 1.The Secretary to the Government,
School Education Department,
Fort St.George, Chennai-600 009.
- 2.The Director of Elementary Education,
College Road, Chennai-600 009.
- 3.The District Elementary Educational Officer,
Krishnagiri District,
Krishnagiri.

W.P. No.28949 of 2015

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