



W.P.No.5039 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N. MALA

W.P.No.5039 of 2017

K. Devan

...
Petitioner

Vs.

1. The State of Tamil Nadu
rep.by its Secretary,
Education Department,
Fort.St.George,
Chennai 600 009.

2. The Assistant Elementary Educational Officer,
Kaveripattinam
Krishnagiri District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 2nd respondent in Na.Ka.No.16/A1/2017 dated 20.01.2017 and quash the same directing the respondent to give bonus increment as per G.O.Ms.No.562 Finance (Pay Cell) Department, dated 28.09.1998 as per law within a date fixed by this Court along with interest.



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For Petitioner : Mr.A.R.Nixon

For Respondents : Mr.S.Prabhakaran
Government Advocate

ORDER

This writ petition has been filed to call for the records relating to the impugned order passed by the 2nd respondent in Na.Ka.No.16/A1/2017 dated 20.01.2017 and quash the same directing the respondent to give bonus increment as per G.O.Ms.No.562 Finance (Pay Cell) Department, dated 28.09.1998 as per law within a date fixed by this Court along with interest.

2. The case of the petitioner is that he was initially appointed as Head Master at Panchayat Union Elementary School, Thoppaikuppam, Bargur Union on 06.06.1994 and he retired from service on 30.04.1999 as Secondary Grade Head Master. After putting 34 years of unblemished service the petitioner claimed the benefit of bonus as per G.O.No.562 Finance (Pay Cell) Department dated 28.09.1998 and as the same was not considered by the respondents the petitioner filed a writ petition in W.P.No.37589 of 2015 for a direction directing the respondent to pass orders on the recommendation of the Additional Elementary Educational Officer, Kaveripattinam in Na.Ka.No.454/m2/2002,



dated 20.12.2002 and that of G.O.Ms.No.562 Finance (Pay Cell) Department, dated 28.09.1998 as per law within the time fixed by this Court.

3. In the said writ petition this Court vide order dated 25.11.2015 passed the following order:-

“3. The learned Government Advocate submitted that the respondent/District Collector is not the competent authority and the petitioner has to make proper representation to the Government and the Director of School Education etc.,

4. Considering the submission of the learned Government Advocate, the petitioner is permitted to make proper representation to the concerned authorities. On such representation being made, the authorities concerned shall consider the same and pass orders in accordance with law as expeditiously as possible”.

4. In pursuance to the aforesaid order the 2nd respondent passed the impugned order dated 20.01.2017. Aggrieved by the impugned order the petitioner has filed the writ petition.

5. The learned counsel for the petitioner submitted that as per the above orders of this Court the 2nd respondent is not the competent authority to



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pass orders on the petitioner's representation. It is seen that the petitioner gave a representation to the Secretary, State of Tamil Nadu, Education Department, Fort.St.George, Chennai and also to the Director of School Education in pursuance of the order dated 25.11.2015 passed in W.P.No.37589 of 2015. As rightly contended by the learned counsel for the petitioner, the 2nd respondent is not the competent authority to pass orders as this Court had specifically directed the concerned authorities (i.e.,) Government and the Director of School Education to pass orders. Therefore, the impugned order dated 20.01.2017 passed by the 2nd respondent is set aside and the 1st respondent is directed to pass orders on the representation of the petitioner dated 02.04.2016.

6. At this juncture, the learned Government Advocate submitted that the representation was given as early as in the year 2016 and therefore the petitioner may be directed to give a fresh representation. Accordingly, the petitioner is directed to give a fresh representation to the 1st respondent within a period of one week from the date of receipt of a copy of this order and on receipt of such representation the 1st respondent shall consider the same and pass orders on merits and in accordance with law within a period of four weeks thereafter.



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7. With the above observation and direction, this writ petition is disposed of. No costs.

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Index : Yes /No

Speaking Order : Yes/No

To

1. The Secretary,
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Fort.St.George,
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2. The Assistant Elementary Educational Officer,
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Krishnagiri District.

N. MALA, J.



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