



W.P.(MD).No.682 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.682 of 2024

C.Muthu Bala Krishna

... Petitioner

Vs.

1.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.

2.The District Educational Officer,
Virudhunagar District,
Virudhunagar.

3.The Headmaster,
Thangammal Periyasamy Municipality,
Girls Higher Secondary School,
Virudhunagar 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 3rd respondent to forthwith disburse the regular annual increment and selection grade pay in the lower post with effect from the date when it was due arrears of pay to till date,



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by considering his representation dated 19.09.2023 and in the light of the communication issued by the 1st respondent in Na.Ka.No.2097/A1/2021 dated 17.08.2021.

For Petitioner : Mr.M.Jegadeesh Pandian

For R-1 & R-2 : Mr.N.Ramesh Arumugam,
Government Advocate (CIVIL)

ORDER

The present writ petition has been filed to direct the 3rd respondent to forthwith disburse the regular annual increment and selection grade pay in the lower post with effect from the date when it was due arrears of pay to till date, by considering his representation dated 19.09.2023 and in the light of the communication issued by the 1st respondent in Na.Ka.No.2097/A1/2021 dated 17.08.2021.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-



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(i) The petitioner was employed as Office Assistant at Government Higher Secondary School, Chathirapatti. Thereafter, the petitioner was transferred to the school of the T.A.S.Govt. Higher Secondary School, Meesalur, Virudhunagar District. Subsequently, he was promoted to the post of Lab Assistant on 28.02.2018 and he is working as Lab Assistant at Thangammal Periyasamy Municipal Girls Higher Secondary School, Virudhunagar. Earlier on 11.03.2009, the petitioner was temporarily suspended from service, based on the proceedings of the District Educational Officer, Virudhunagar. Thereafter, the said temporary suspension was revoked by the 2nd respondent vide proceedings dated 21.01.2011. Further, the petitioner was permitted to rejoin in the transferred place at Government Higher Secondary School, Thiruthangal. After enquiry, vide order dated, 29.01.2018, the enquiry has been concluded and the petitioner was issued with a warning, following which, the District Educational Officer, Virudhunagar vide proceedings dated 29.01.2018 had passed an order by treating the suspension period from 11.03.2009 to 24.01.2011 as service rendered. Though the petitioner's suspension period from 11.03.2009 to 24.01.2011 was treated as service period, no annual increment was provided to the petitioner and his salary was not at all



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revised to the regular annual increment in the lower post.

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(ii) Hence, the petitioner approached the 2nd respondent based on that the 2nd respondent has passed an order dated 10.07.2019, by recommending to the 3rd respondent to provide annual increment for the lower post and then revised pay fixation to the post of Lab Assistant vide proceedings dated 10.07.2019. It is brought to the notice of this Court that the petitioner's suspension period from 11.03.2009 to 24.01.2011 was treated as service period, thereafter, the 2nd respondent had also granted selection grade in the lower post with effect from 09.06.2009 forenoon vide proceedings dated 30.09.2019. Thereafter, the petitioner's service as Lab Assistant was also regularized with effect from 28.02.2018 forenoon vide 2nd respondent's proceedings dated 15.04.2021. The petitioner also completed his probation period in the post of Lab Assistant vide order of the 2nd respondent dated 14.06.2021. Depsite the petitioner's service was regularized and the promotion as early as on 27.02.2018, the regular annual increment in the lower post, selection grade increment in the lower post and regular annual increment to the post of Lab Assistant and the arrears were not at all given to the petitioner. In view of the same, the 3rd respondent had issued



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a communication to the 2nd respondent dated 27.02.2021, stating that pay drawn particulars were presented before the Office of Treasury on 17.07.2020.

(iii) Thereafter, the 2nd respondent had passed an order dated 17.08.2021, directing the 3rd respondent to pay all the arrears without delay, failing which the 3rd respondent will be fixed for the inordinate delay in payment of the said amount. Following which, the 3rd respondent approached the 1st respondent vide proceedings dated 27.09.2021 had issued a communication to the 3rd respondent to claim all the arrears as per the Government rules, despite that, no action has been taken. Subsequently, the Joint Director of School Education (Paniyalar thokuthi), Chennai had also issued a communication to the 3rd respondent dated 05.07.2022, directing to process the early increment pay with immediate effect, despite that, no action has been taken. Hence, the present Writ Petition came to be filed.

3. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.



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4. Mr.N.Ramesh Arumugam, learned Government Advocate (CIVIL) appearing for the respondents 1 and 2 submitted that the 1st respondent has passed another order dated 29.01.2024, directing the 3rd respondent to take appropriate action in the matter of payment of arrears to the petitioner. The said submission is recorded.

5. In view of the said submissions, this Court hereby directs the 3rd respondent to act upon the representation made by the petitioner in the light of the communication issued by the 1st respondent dated 17.08.2021 and forthwith disburse the regular annual increment and selection grade pay in the lower post with effect from the date when it was due arrears of pay to till date and pass appropriate orders in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.



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6. Accordingly, this Writ Petition stands disposed of. No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

- 1.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.
- 2.The District Educational Officer,
Virudhunagar District,
Virudhunagar.



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L.VICTORIA GOWRI, J.

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