



WEB COPY

W.P.(MD) No.18040 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.18040 of 2020

A.Antony Muthu

... Petitioner

-vs-

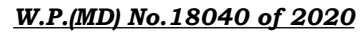
The Joint Director of School Education
(Secondary Education)
DPI Complex
College Road, Chennai-600 006

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the impugned order of the respondent in Na.Ka.No.001172/D1/E3/2019 dated 29.11.2019 and quash the same as illegal and unlawful and consequentially direct the respondent to consider the petitioner's service period between 01.03.1989 to 31.05.1991 as qualifying service with all monetary and pensionary benefits.

For Petitioner : Mr.J.Pooventhera Rajan

For Respondent : Mr.T.Amjad Khan
Government Advocate



This writ petition has been filed challenging the impugned order, dated 29.11.2019, passed by the respondent, rejecting the petitioner's request to consider his service period in the School between 01.03.1989 to 31.05.1991 as a qualifying service period with all monetary and pensionary benefits.

2. Under the impugned order, the respondent has rejected the request of the petitioner, on the ground that the post occupied by him was an unsanctioned post. According to the petitioner, since he was in service pursuant to the temporary sanction granted on 26.03.1987, he ought to have been paid the Government scale of pay, but the respondent did not sanction his pay for the period from 01.03.1989 to 31.05.1991.

3. A counter affidavit has also been filed by the respondent denying the contentions of the petitioner and reiterating that the petitioner is not entitled for the relief sought for in this writ petition.



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4. Admittedly, the School Management, in which the petitioner was working, has not challenged the non-payment of Government scale of pay to the petitioner from 01.03.1989 to 31.05.1991. The petitioner has also approached this Court belatedly. The petitioner has retired from service in the year 2006 and he has given a representation seeking for the relief, which is sought for in this writ petition, to the respondent only in the year 2018. When the Management of the School has chosen not to challenge the non-payment of Government scale of pay to the petitioner for the period from 01.03.1989 to 31.05.1991 and the petitioner has also approached this Court after an inordinate delay i.e., after a period of almost twenty years from the period for which he is claiming Government scale of pay, the question of entertaining this writ petition at this stage does not arise.

5. In the result, there is no merit in this writ petition and the same is, therefore, dismissed. No costs.

17.10.2024

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

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ABDUL QUDDHOSE, J.

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