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WP(MD).23576 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

WP(MD)No.23576 of 2022

K.Ponnuchamy

...Petitioner

Vs

1.The Director of Tribal Welfare,
Ezhilagam,
Chepauk,
Chennai - 600 005.

2.The District Adi Dravidar and Tribal Welfare Officer,
Collectorate Complex,
Dindigul District,
Dindigul.

3.The Special Tahsildar,
Adi Dravidar Welfare (Unit-I),
Dindigul.

...Respondents

Prayer:- This Writ Petition has been filed under the Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent ie., the Director of Tribal Welfare, Chennai to sanction the petitioner's arrear pay in the cadre of Headmaster right from December 2015 to till date without further loss of time in the scale of pay of Rs.9300+34800+GP4400.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader



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ORDER

1. This Writ Petition has been filed under the Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent to sanction the petitioner's pay arrears in the cadre of Headmaster right from December 2015 to till date in the scale of pay of Rs.9300+34800+GP4400.
2. The facts of the case in a nut shell, led to filing of this Writ Petition and necessary for disposal of the same, are as follows:-
 - (a) The Petitioner was promoted to the post of Headmaster from the post of Warden and assumed duty on 23.10.2009 at GTR, Korangombu. The pay was fixed at 9300-34800+GP4400. Following the Petitioner's request during general counseling for transfer, he was transferred as a Warden to Adi Dravidar Tribal Welfare Hostel, Pattiveeranpatti, Dindigul District, as per proceedings dated 04.06.2012. The Petitioner joined duty on 05.06.2012 and continued to receive the same scale of pay in the cadre of Elementary School Headmaster until October 2012. However, the salary was not paid from November 2012 to March 2013. In April 2013, the Petitioner's pay was incorrectly fixed at 4500-125-6000, as if he was reverted from the post of Headmaster of the Primary School.
 - (b) The Petitioner continued as a Warden and thereafter he was transferred to Scavenger Welfare Boys Hostel, Dindigul, on 08.02.2015. Then he



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was again transferred to the Government Tribal Residential School, Manjalparappu, Dindigul District, as Headmaster through proceedings dated 28.06.2017 and 29.06.2017. Till date, he has been serving as Headmaster in the above said Government Tribal Residential School.

(c) Despite being promoted to Headmaster on 23.10.2009 and serving in that capacity without reversion, he has been receiving only the Warden's pay scale since December 2015. Despite several representations, his pay arrears as Headmaster from December 2015 till date remains unpaid. In such circumstances, this Writ Petition has been filed seeking the relief as stated above.

3. Heard Mr.S.Visvalingam, learned counsel for the Petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents.
4. The learned counsel for the petitioner, while reiterating the averments made in the affidavit filed in support of this Writ Petition, submits that the Petitioner has made several representation before the 2nd Respondent. But, no final order was passed on the said representation and lastly, a representation was given on 05.04.2022 before the 2nd Respondent which is still pending for more than two years. Now, the Petitioner is ready and willing to submit a fresh representation before the 2nd Respondent which may be directed to be disposed within a specified time.



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5. Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents did not dispute the fact that the petitioner has made several representations and the last representation was made on 05.04.2022. He also submits that whatever the grievance is with the Respondents, the petitioner has to file a fresh representation before the 2nd Respondent which would be considered and decided in accordance with law by a reasoned and speaking order.
6. After considering the submissions made by the learned counsels for both parties and perusing the records and averments made in the Writ Petition, this Court deems it appropriate that no useful purpose will be served in keeping this Writ Petition pending before this Court. Accordingly, the 2nd Respondent may be directed to decide the case of the Petitioner which is pending before him for long time.
7. Accordingly, the petitioner is directed to file a fresh representation before the 2nd Respondent detailing his claim and grievances within a period of four weeks from today. If any such representation is filed by the Petitioner before the 2nd Respondent as per the time stipulated by this Court, the 2nd Respondent is directed to consider the same and pass a reasoned and speaking order on merits and in accordance with law, after giving sufficient opportunity to the Petitioner, within a period of two months from the date of receipt of such representation. The 2nd Respondent shall communicate



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the order to the Petitioner through Registered Post with Acknowledgement Due (RPAD) within a period of two weeks from the date of passing the order.

8. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

06.02.2025

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation
Nsr

To:

- 1.The Director of Tribal Welfare,
Ezhilagam,
Chepauk,
Chennai - 600 005.
- 2.The District Adi Dravidar and Tribal Welfare Officer,
Collectorate Complex,
Dindigul District,
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- 3.The Special Tahsildar,
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SHAMIM AHMED, J.

Nsr

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