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W.P.No.4133 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 08.07.2026

Pronounced on : 17.07.2026

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.4133 of 2019

C.Balasubramaniam,
Headmaster (retd.),
8/73, Vengayapalayam,
Seerapalli Post, Rasipuram Taluk,
Namakkal District.

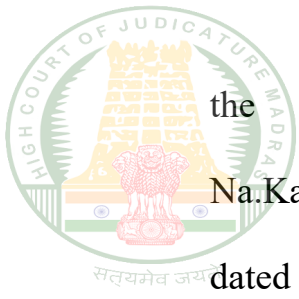
... Petitioner

vs

1. The State Rep. By
Secretary to Government,
School Education Department,
Fort St. George, Chennai – 600 009.
2. The Director of Elementary Education,
DPI Campus, College Road, Chennai – 6.
3. The District Educational Officer,
Namakkal, Namakkal District.
4. The Block Educational Officer – I,
Namagiripettai, Rasipuram (Tk),
Namakkal District.
5. The Accountant General,
Teynampet, Chennai – 600 018.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India,
praying to issue a Writ of Certiorarified Mandamus, to call for the records of



the third and fourth respondents made in proceedings

Na.Ka.No.6556/A3/2018 dated 23.11.2018 and O.Mu.No.1644/A1/2018

dated 09.10.2018 and quash the same and consequently direct the

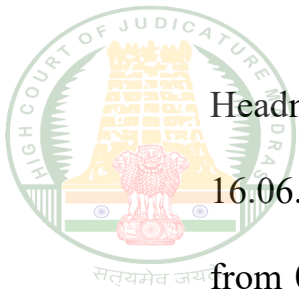
respondents to pay the bonus increment, grade pay to the petitioner for having spent 31 years of service in the same post and to revise the pension and all other attendant monetary benefits including arrears of pension.

For Petitioner : Mr.N.Umapathy
For Respondents : Mrs.Y.Kavitha
Government Advocate for R1 to R4
: No appearance for R5

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents 1 to 4 and perused the record.

2. The case of the petitioner in brief is that he was appointed as Secondary Grade Teacher on 21.09.1983 at Panchayat Union Elementary School, Valapurnadu and thereafter, by proceedings dated 19.10.1983 was promoted to the post of Headmaster and continued to work as Headmaster till 01.06.1988; that on his request, he was transferred from Panchayat Union Elementary School, Valapurnadu to Kallakurichi Panchayat Union Elementary School as Secondary Grade Teacher; that he was promoted as

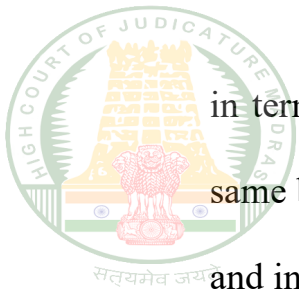


Headmaster of Panchayat Union Elementary School, Kallakurichi

16.06.2003; that as he had worked as Headmaster throughout his service from 01.11.1983 onwards without there being any promotion, he is entitled for being granted bonus increment for his continuous service of more than 30 years in the same post without any promotion; and that the fourth respondent without considering his entitlement for being granted bonus increment in terms of G.O.Ms.No.234, Finance (Pay Cell) Department dated 01.06.2009, had issued impugned order dated 09.10.2018.

3. It is the further case of the petitioner that as per G.O.Ms.No.202 dated 24.09.2008, Teachers who were serving as Primary School Headmasters prior to 01.06.1988 and upon transfer from one Panchayat Union to another, and appointed as Secondary Grade Teacher due to the non-availability of Headmaster posts, are to be treated as having held the post of Primary School Headmaster from the date of joining in the transferee Union; that since the petitioner, though appointed as Secondary Grade Teacher on transfer at Kallakurichi with effect from 02.06.1988, is to be considered as working as Headmaster from his initial date of appointment ie., from 01.11.1983 and there being no promotion and having completed 30 years of continuous service in the same post, is entitled for being granted one bonus increment at the rate of 3% of the basic pay, including Grade Pay,

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in terms of G.O.Ms.No.234 dated 01.06.2009; and that the rejection of t

same by the fourth respondent is illegal, arbitrary and contrary to the purport

and intent of G.O.Ms.No.202 as well as G.O.Ms.No.234.

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4. Counter affidavit on behalf of the third respondent is filed.

5. The respondents, by the counter affidavit not disputing the factual aspect, however, contended that the petitioner had applied for bonus increment four years after his retirement from service on 31.07.2014; that his representation was considered by the fourth respondent with reference to Government Letter No.168, Education Department, dated 11.10.2001, wherein the Government had clarified that those who had worked as Primary School Headmasters, and reverted as Secondary Teachers and subsequently again promoted as Primary School Headmasters are not to be considered as having completed 30 years of service in the same post for the purpose of sanctioning the bonus increment; and that for the said reason, the fourth respondent negated the petitioner's claim by the impugned proceeding dated 09.10.2018.

6. The respondents further contended that though the posts of Secondary Grade Teacher and Headmaster were treated as equal initially,



having the same scale of pay, the same were treated as different

subsequently with difference in grade pay; and that the petitioner having

availed the benefit of the post of Headmaster of Panchayat Union Primary

School, Kollihills Block, Valapurnadu and having sought for transfer to

another Panchayat Union and on his own volition accepting to be posted as

Secondary Grade Teacher in the absence of vacancies in the post of

Headmaster, cannot claim of he having rendered continuous service as

Headmaster for 30 years, thereby making him eligible for being granted

bonus increment.

7. Contending as above, the respondents seek for dismissal of the writ petition.

8. I have taken note of the respective contentions as urged.

9. Since, the petitioner claims that on he being appointed initially as Second Grade Assistant on 21.09.1983, and immediately thereafter being promoted as Headmaster of Elementary School with effect from 1983 and having worked as such without any promotion avenue till he retired, this Court having regard to relief sought for being certiorarified mandamus had called upon the respondents to produce the service record of the petitioner in

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relation to the certiorari part of the relief sought. Pursuant to the above direction, the respondents have produced the service record of the petitioner for perusal of the Court.

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10. A perusal of the service record as placed before this Court shows that the petitioner as on 01.07.1987 was in the pay scale of 610-20-1075; that on 01.06.1988, when he had sought for being transferred to another Union i.e., Kallakurichi, was receiving pay of Rs.1230/-; that on being transferred to the Kallakurichi Union and being appointed as Secondary Grade Teacher as there were no vacancies of Headmaster in the said Panchayat Union, the petitioner accepted the said posting even though the said post was having lower scale of pay. However, since the petitioner was receiving higher salary as Primary School Headmaster, Kolli Hills Block, Valapurnadu, his pay was protected, and thus, the petitioner continued to draw the same pay as he was drawing as Primary School Headmaster. The pay of the petitioner thereafter as Secondary Grade Assistant was enhanced, and petitioner was receiving Rs.6350/- as on 15.06.2003. The petitioner thereafter was promoted as Primary School Headmaster, Namagiripettai Block with effect from 01.07.2003 with an increased pay of Rs.6650/- and continued in the said position till he retired in 2014.



11. Thus, the petitioner, while working as Secondary Grade Assistant in Kallakurichi, secured a promotion as Headmaster and as such, the petitioner cannot claim of he having continued in the same post from the date of joining of service and is entitled for stagnation increment having completed 30 years of continuous service in the post under G.O.Ms.No.234.

12. Insofar as the claim of the petitioner on the basis of G.O.Ms.No.202 is concerned, the said G.O confers the benefit of counting the service as Primary School Headmaster from the date of their joining in the transferred Union, where they were appointed as Secondary Grade Teacher, for the purpose of fixation of Selection Grade and Special Grade Pay as per G.O.Ms.No.666, Finance Department dated 27.06.1989. Thus, the operation of G.O.Ms.No.202 is limited only to the extent of counting the service rendered as Headmaster of Primary School, on transfer to another Union, even though was appointed as Secondary Grade Teacher. Thus, the purport of G.O can be understood as not to put a Teacher in a disadvantageous position by losing the service put in as Headmaster on being appointed as Secondary Grade Teacher in the new Panchayat Union, in order to deny the benefit to which the Teacher would be entitled to on completion of 10 years of service to Selection Grade and thereafter with further 10 years of service to Special Grade.



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13. The benefit conferred under the aforesaid Government Order can be better understood by way of an illustration, where Headmaster having worked for 9 years in a particular Union, gets transferred to another Union and is appointed as Secondary Grade Teacher, cannot be allowed to lose or forfeit his 9 years of service as Headmaster and would be eligible to be granted Selection Grade after completion of one year of service as Secondary Grade Teacher.

14. Insofar as the reliance placed by the petitioner on the decision of the Administrative Tribunal in O.A.No.6090 of 1996 and batch is concerned, the said O.A arose out of the aforesaid situation set out in the example, where the State sought to deny the benefit of Selection Grade to the applicants therein claiming that they were not entitled for counting of their service as Headmasters and that their service would have to be counted afresh as a new joiner in the post of Secondary Grade Teacher. Thus, the said decision would not advance the case of the petitioner.

15. Since, in the facts of the present case, the petitioner having been promoted to the post of Headmaster from the post of Secondary Grade Teacher with effect from 01.07.2003 and having drawn the pay of Rs.6650/-,
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which is higher than the pay of Secondary Grade Assistant, the petitioner

firstly cannot claim of he having worked in the same post continuously for

30 years and thus, being entitled for stagnation increment, and secondly, the

claim of the petitioner of he being considered as appointed as Headmaster

even though appointed as Secondary Grade Teacher under G.O.Ms.No.202

is limited only for the purpose of counting service for being granted

Selection Grade and not for any other purpose, as detailed above.

16. In view of the above, considered from any angle, the claim of the petitioner is devoid of merit. Accordingly, the writ petition fails and is dismissed. No costs.

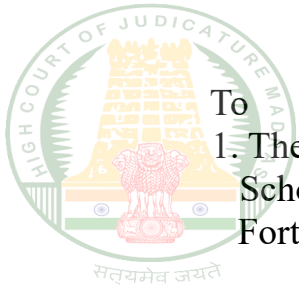
17.07.2026

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dh



To

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T. VINOD KUMAR, J.

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