

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.Nos.15830 and 15831 of 2015

And

M.P.Nos.1 and 1 of 2015

K.Harikrishnan

... Petitioner in W.P.15830/2015

R.Muthaiyan

... Petitioner in W.P.15831/2015

Vs.

1.The Government of Tamil Nadu,
Rep. by Secretary to the Government,
School Education Department,
Fort St.George, Chennai 600 009.

2.The Director of Elementary Education,
College Road, Chennai 600 006.

... Respondents in both W.Ps.

3.The District Elementary Educational Officer,
Trichy District, Trichy.

4.The Assistant Elementary
Educational Officer,
Uppiliyapuram Panchayat Union,
Trichirappallai District.

... Respondents in W.P.15830/2015

3.The District Elementary Educational Officer,
Ariyalur District, Ariyalur.

4.The Assistant Elementary Educational Officer,
Andimadam Panchayat Union,
Andimadam, Ariyalur District.

... Respondents in W.P.15831/2015

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent issued in Na.Ka.No.2200/C2/2010, dated 23.7.2010 and quash the same in so far as it denies arrears of pay and issue a consequential direction to the respondent to grant arrears of pay in respect of pay fixation done under the G.O.Ms.No.207 School Education (G2) Department dated 30.09.2008.

For Petitioners : Mr.R.Saseetharan
For Respondents : Mr.S.Gunasekaran
Government Advocate

C O M M O N O R D E R

Heard both sides. Mr.S.Gunasekaran, learned Government Advocate takes notice for the respondents. By consent of both the parties the writ petition is taken up for final disposal.

2.The petitioners initially appointed as Secondary Grade Teacher on 29.04.1980 and 03.08.1973 respectively in Uppiliapuram Panchayat Union, Trichirappalli District and Andimadam Panchayat Union, Ariyalur District respectively. The date of their retirement is 31.10.2008 and 31.05.2007 respectively.

3.The petitioners were granted selection grade/ special grade for the post of Primary School Headmaster for the purpose of pension alone. But no actual financial benefits were given. This Court passed various orders directing to give the monetary benefits also. The issue was considered by me at length in my judgment dated 11.11.2014 made in W.P.No.25001 of 2012. It is useful to refer paragraph nos.60, 62 and 65 of the said judgment which reads as follows:

"60.Applying the same analogy, the persons who joined as Secondary Grade Teachers before 01.06.1988 is entitled to claim the benefit of counting the service of Secondary Grade Teachers for Selection Grade and Special Grade in the post of Primary School Headmaster, if they were promoted as Primary School Headmaster after 01.06.1988, without fixing the cut off date as 31.12.1995.

61.As far as the persons, who were holding the post of Primary School Headmasters as on 01.06.1988, the Government themselves granted the benefit, though they were juniors, as stated above.

65.For all the aforesaid reasons, the writ petition is allowed and the proceeding dated 23.07.2010 in Na.Ka.No.2200/C2/2010 of the second respondent is quashed and a direction is issued to the respondent to extend the benefit of counting the service of Secondary Grade Teacher for grant of Selection Grade and Special Grade in the post of Primary School Headmaster with monetary benefits to the persons who were promoted after 01.06.1988, if those teachers joined prior to 01.06.1988 without reference to the date of

promotion as Primary School Headmaster and without driving them to this Court to obtain an order in their favour and also a direction is issued to the respondents to pay the monetary benefits, i.e., arrears of pay to the petitioners, pursuant to the grant of Special Grade in the post of Primary School Headmaster with effect from 01.07.1994, 14.01.1999 and 07.11.1992 by the fourth respondent in the proceeding dated 07.01.2012, 27.01.2012 and 10.02.2012 respectively, within a period of eight weeks from the date of receipt of a copy of this order."

4.In view of the said judgment dated 11.11.2014 made in W.P.No.25001 of 2012, the proceedings dated 23.7.2010 in Na.Ka. No.2200/C2/2010, is quashed. Infact, the said proceedings was quashed by this Court in so many writ petitions by the order passed in so many writ petitions directing to give arrears based on G.O.Ms.No.207 School Education (G2) Department dated 30.09.2008. In these petitions also a direction is issued to the respondents to pay the arrears of pay to the petitioners, pursuant to the fixation of selection grade and special grade in the post of Primary School Headmaster by counting their services as a Secondary Grade Teacher, within a period of twelve weeks from the date of receipt of a copy of this order.

5.The writ petitions are disposed of accordingly. No costs. Consequently the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

सत्यमेव जयते

pri
To

- 1.The Secretary to the Government,
School Education Department,
Fort St.George, Chennai 600 009.
- 2.The Director of Elementary Education,
College Road, Chennai 600 006.
- 3.The District Elementary Educational Officer,
Trichy District, Trichy.

4.The Assistant Elementary
Educational Officer,
Uppiliyapuram Panchayat Union,
Trichirappallai District.

5.The District Elementary Educational Officer,
Ariyalur District, Ariyalur.

6.The Assistant Elementary Educational Officer,
Andimadam Panchayat Union,
Andimadam, Ariyalur District.

1 cc to Government Pleader Sr.No.27174

2 cc to Mr. R.Saseetharan, Advocate Sr.No.27084, 27085

W.P.Nos.15830 and
15831 of 2015

And
M.P.Nos.1 and 1 of 2015

ggk(co)
pmk.16.7.2015



WEB COPY