

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition Nos.24058 to 24065 of 2015

P.Ayyakkannu	...Petitioner in W.P.No.24058 / 2015
K.Gopalan	...Petitioner in W.P.No.24059 / 2015
P.Janaki Raman	...Petitioner in W.P.No.24060 / 2015
R.Munusamy	...Petitioner in W.P.No.24061 / 2015
P.Natarajan	...Petitioner in W.P.No.24062 / 2015
P.Periyathambi	...Petitioner in W.P.No.24063 / 2015
K.Ramachandran	...Petitioner in W.P.No.24064 / 2015
S.Sellappillai	...Petitioner in W.P.No.24065 / 2015

Vs.

1. The Government of Tamil Nadu,
Represented by the Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009
2. The Director of Elementary Education,
College Road,
Nungambakkam, Chennai - 6
3. The District Elementary Education Officer,
Salem, Salem District ...R-1 to R-3 in all W.Ps.

The Chief Educational Officer,
Salem, Salem District. ...R3 in W.P.No.24065 / 2015

The Assistant Elementary Education Officer,
Thalaivasal, Aathur Taluk,
Salem District ...R-4 in W.P.Nos.24058 to 24062
and 24064 / 2015

The Head Master,
Govt. Higher Secondary School,
Deviakurichi Post - 636 112
Athur Taluk, Salem District ...R-4 in W.P.No.24063 & 24065 / 2015

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to dispose the representations of the petitioners, dated 10.11.2014 to count their Secondary Grade Apprentice Teacher Services from 30.08.1971 to 08.09.1972 and Higher Grade Place Service from 09.09.1972 to 01.10.1973; 16.04.1970 to 31.12.1970; 03.04.1969 to 31.12.1970; 09.09.1972 to 01.10.1973; 17.09.1969 to 31.12.1970; 20.03.1970 to 31.12.1970; 09.09.1972 to 01.10.1973; 15.12.1967 to 31.12.1970, respectively, as Secondary Grade Service for determination of their service benefits and pensionary benefits and to grant the consequential benefits arising thereof.

For Petitioner in all W.Ps : Mr. K.Thennan

For Respondent in all W.Ps : Mr. V.Subbiah, Spl.G.P.,

C O M M O N O R D E R

Admit. Mr.V.Subbiah, learned Special Government Pleader, takes notice for respondents, in all these writ petitions. By consent of the learned counsel for both sides, the writ petitions are taken up for final disposal at the admission stage itself.

2. The petitioner in W.P.No.24058 of 2015, P.Ayyakkannu, claims that he was initially appointed as Secondary Grade Qualified Teacher and served as Secondary Grade Apprentice Teacher from 30.08.1971 to 08.09.1972. Thereafter, he was posted in the Higher Grade Place from 09.09.1972 to 01.10.1973. He was again promoted as Secondary Grade Teacher on 02.10.1973. From 02.10.1973 to 08.07.1997, he served in the same category of Secondary Grade Assistant in Thalaivasal Panchayat Union Unit. This petitioner would further state that he was promoted as Elementary School Head Master on 09.07.1997. While he was working as Elementary School Head Master, in Panchayat Union Elementary School, Navaskurich, on 31.07.2004, he was retired from service on superannuation.

3. The petitioner in W.P.No.24059 of 2015, K.Gopalan, claims that he was initially appointed as Secondary Grade Qualified Teacher and served in the Higher Grade Place from 16.04.1970 to 31.12.1970 for a period of eight months. He was again promoted as Secondary Grade Teacher on 01.01.1971. From 01.01.1971 to 26.07.1995, he served in the same category of Secondary Grade Assistant in Thalaivasal Panchayat Union Unit. This petitioner would further state that he was promoted as Elementary School Head Master on 27.07.1995. While he was working as Elementary School Head Master,

in Panchayat Union Elementary School, Pudhupalayam, on 29.02.2004, he was retired from service on superannuation.

4. The petitioner in W.P.No.24060 of 2015, P.Janaki Raman, claims that he was initially appointed as Secondary Grade Qualified Teacher and served in the Higher Grade Place from 03.04.1969 to 31.12.1970. He was again promoted as Secondary Grade Teacher on 01.01.1971. From 01.01.1971 to 09.07.1993, he served in the same category of Secondary Grade Assistant in Thalaivasal Panchayat Union Unit. This petitioner would further state that, he was promoted as Elementary School Head Master on 10.07.1993. While he was working as Elementary School Head Master, in Panchayat Union Elementary School, Kattukottai, on 30.04.2007, he was retired from service on superannuation.

5. The petitioner in W.P.No.24061 of 2015, R.Munusamy, claims that he was initially appointed as Secondary Grade Qualified Teacher and served as Secondary Grade Apprentice Teacher from 30.08.1971 to 08.09.1972. Thereafter, he was posted in the Higher Grade Place from 09.09.1972 to 01.10.1973. He was again promoted as Secondary Grade Teacher on 02.10.1973. From 02.10.1973 to 09.07.1997, he served in the same category of Secondary Grade Assistant in Thalaivasal Panchayat Union Unit. This petitioner would further state that he was promoted as Elementary School Head Master on 10.07.1997. While he was working as Elementary School Head Master, in Panchayat Union Elementary School, Kattukottai, on 31.07.2002, he was retired from service on superannuation.

6. The petitioner in W.P.No.24062 of 2015, P.Natarajan, claims that he was initially appointed as Secondary Grade Qualified Teacher and served in the Higher Grade Place from 17.09.1969 to 31.12.1970. He was again promoted as Secondary Grade Teacher on 01.01.1971. From 01.01.1971 to 16.09.1994, he served in the same category of Secondary Grade Assistant in Thalaivasal Panchayat Union Unit. This petitioner would further state that, he was promoted as Elementary School Head Master on 17.09.1994. While he was working as Elementary School Head Master, in Panchayat Union Elementary School, Deviakurichi, on 31.03.2004, he was retired from service on superannuation.

7. The petitioner in W.P.No.24063 of 2015, P.Periyathambi, claims that he was initially appointed as Secondary Grade Qualified Teacher and served in the Higher Grade Place from 20.03.1970 to 31.12.1970 for a period of nine months period. He was again promoted as Secondary Grade Teacher on 01.01.1971. From 01.01.1971 to 30.06.1981, he served in the same category of Secondary Grade Assistant in Thalaivasal Panchayat Union Unit. This petitioner would further state that, while he was working as Secondary Grade Teacher

in Panchayat Union Middle School, Deviakurichi, on 30.06.1981, the said school was upgraded as High School and he was absorbed into the said Higher Secondary School, as Secondary Grade Teacher on 30.06.1981. Then the petitioner continued in the said Higher Secondary School till his retirement, on superannuation, on 30.06.2005.

8. The petitioner in W.P.No.24064 of 2015, K.Ramachandran, claims that, he was initially appointed as Secondary Grade Qualified Teacher and served from 30.08.1971 to 08.09.1972. Then, he was posted in the Higher Grade place from 09.09.1972 to 01.10.1973. From 02.10.1973 to 08.07.1997 he served in the same category of Secondary Grade Assistant in Thalaivasal Panchayat Union Unit. This petitioner would further state that he was promoted as Elementary School Head Master on 09.07.1997. While he was working as Elementary School Head Master, in Panchayat Union Elementary School, Deviakurich, on 30.04.2007, he was retired from service on superannuation.

9. The petitioner in W.P.No.24065 of 2015, S.Sellappillai, claims that he was initially appointed as Secondary Grade Qualified Teacher and served in the Higher Grade Place from 15.12.1967 to 31.12.1970 for a period of three years. He was again promoted as Secondary Grade Teacher on 01.01.1971. From 01.01.1971 to 30.06.1981, he served in the same category of Secondary Grade Assistant in Thalaivasal Panchayat Union Unit. This petitioner would further state that, while he was working as Secondary Grade Teacher in Panchayat Union Middle School, Deviakurichi, on 30.06.1981 the said school was upgraded as High School and he was absorbed into the said Government Higher Secondary School as Secondary Grade Teacher on 30.06.1981. Then, he was promoted as B.T.Assistant on 05.01.2001. While he was working as B.T.Assistant in the said Higher Secondary School, he was retired from service on superannuation on 30.06.2003.

10. The learned counsel for the petitioners, in all these writ petitions, would submit that the service rendered in the place of higher grade, by treating the services as Secondary Grade, is to be counted as the period of service, for all these petitioners, and in this regard, they have submitted representations to the respondents. Since no disposal has been given to the said representations, the petitioners have come forward to file these writ petitions. The further submission of the learned counsel for the petitioners is that, in a similar set of facts and circumstances, this Court has disposed of number of writ petitions, namely, in W.P.Nos.38450 of 2006, dated 05.01.2010, 43235 of 2006, dated 03.04.2009, 30488 of 2006, dated 19.06.2008 and 34213 of 2006 (O.A.No.10101/98), dated 27.01.2010, and positive orders have been passed and hence, prays for similar orders.

11. This Court heard the submissions of the learned counsel for the petitioners and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents.

12. Though the petitioners prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners, directs the first respondent to consider the representations of the petitioners, dated 10.11.2014, in accordance with law, after taking note of the above cited judgments and pass orders, within a period of twelve weeks from the date of receipt of a copy of this order, and communicate the decision taken to the petitioners.

13. These writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srk

To

1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009
2. The Director of Elementary Education,
College Road,
Nungambakkam,
Chennai - 6
3. The District Elementary Education Officer,
Salem,
Salem District
4. The Chief Educational Officer,
Salem,
Salem District.

5. The Assistant Elementary Education Officer,
Thalaivasal, Aathur Taluk,
Salem District

6. The Head Master,
Govt. Higher Secondary School,
Deviakurichi Post - 636 112
Aathur Taluk, Salem District

1 CC to Mr. K.Thennan, Advocate SR.No. 40855

1 CC to the Government Pleader, SR.No. 40949

W.P.Nos.24058 to 24065 of 2015

NM (CO)
PSI (02.09.2015)



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