

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.8.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.26206 of 2015

1 V.Loganathan
2 N.Kanagamani
3 K.S.Kalyani
4 G.Jabamani
5 A.Subramanian
6 S.Alfonsamary
7 M.Loganathan
8 M.Loganathan
9 S.Kuppannan
10 A.Susairaj
11 A.Anwarbasha
12 K.R.Senniappan
13 A.Swaminathan
14 P.Sivagami
15 K.Muthusamy
16 M.Kondappan
17 K.Arunachalam
18 A.Kanthasamy
19 K.Duraisamy

...Petitioners

-Vs-

1 The State of Tamil Nadu
Rep. by its Secretary to Government School
Education Department Fort St. George
Chennai-9.
2 The Director of Elementary
Education DPI Compound College Road
Chennai-6.
3 The District Elementary
Educational Officer Tiruppur Tiruppur
District
4 The Assistant Elementary
Educational Officer Oothukuli Union
Tiruppur District

5 The Accountant General
 (A&E) O/o.The Principal Accountant General
 (A&E) No.361 Anna Salai Chennai-18. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to grant monetary benefits to the petitioners pursuant to the fixation of Selection grade and Special grade in the post of Primary School Headmaster by counting the service of the Secondary Grade Teacher by extending the benefits of G.O.Ms.No.207, School Education Department dated 30.9.2008 in the light of orders passed by this Honourable court.

For Petitioner : Mr.V.Ravikumar

For R1 to R4 : Mr.V.Subbiah
 Special Government Pleader

For R5 : Mr. V.Vijayashankar

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The Petitioners would state that all of them were appointed as Secondary Grade Teachers prior to 30.05.1988 and got their promotion as Elementary School Headmasters and Head master. It is stated by the petitioners that during the year 1988, V Pay Commission has introduced a separate time scale of pay for both posts of Elementary School Headmasters and Secondary Grade Teachers with effect from 01.6.1988. Based on the said Government Order, persons who are holding the post of Headmasters of Elementary School as on 01.06.1988 were given Selection grade and Special Grade of Pay, by counting their entire length of service rendered in both Secondary Grade and Elementary School Headmaster post. Since the petitioners were holding the post of Elementary School Headmaster as on 01.06.1988, they were not awarded Selection grade and Special Grade scales of Pay in the post of Elementary School Headmaster, with arrears of pay by computing the entire length of their service. It is also the stand of the petitioners that similarly placed persons have filed W.P.No.20706 of 2010 as well as W.P.No.25001 of 2012 and vide final orders dated 05.08.2011 and 11.11.2014, official respondents to extend the benefits of counting the service of secondary grade teacher for grant of selection and special grade in the post of Primary School Headmaster, with monetary benefits to the persons, who are promoted after 01.06.1988.

3. The relevant portion of the order in W.P.No.25001 of 2012 is extracted as follows:

"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 directions is issued to the respondents 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."

Petitioners in this regard submitted individual representations to 5th respondent. Since no orders have been passed, came forward to file this writ petition.

4. Heard the submissions Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of respondents 1 to 4 and Mr.V.Vijayashankar, who accepts notice on behalf of 5th respondent.

5. This Court, in the light of the facts and circumstances directs the 5th respondent to process the proposals submitted by the 4th respondent on merits and in accordance with law in the light of the above said Judgments and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order, and communicate the decision taken, to the petitioner.

6. This Writ Petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

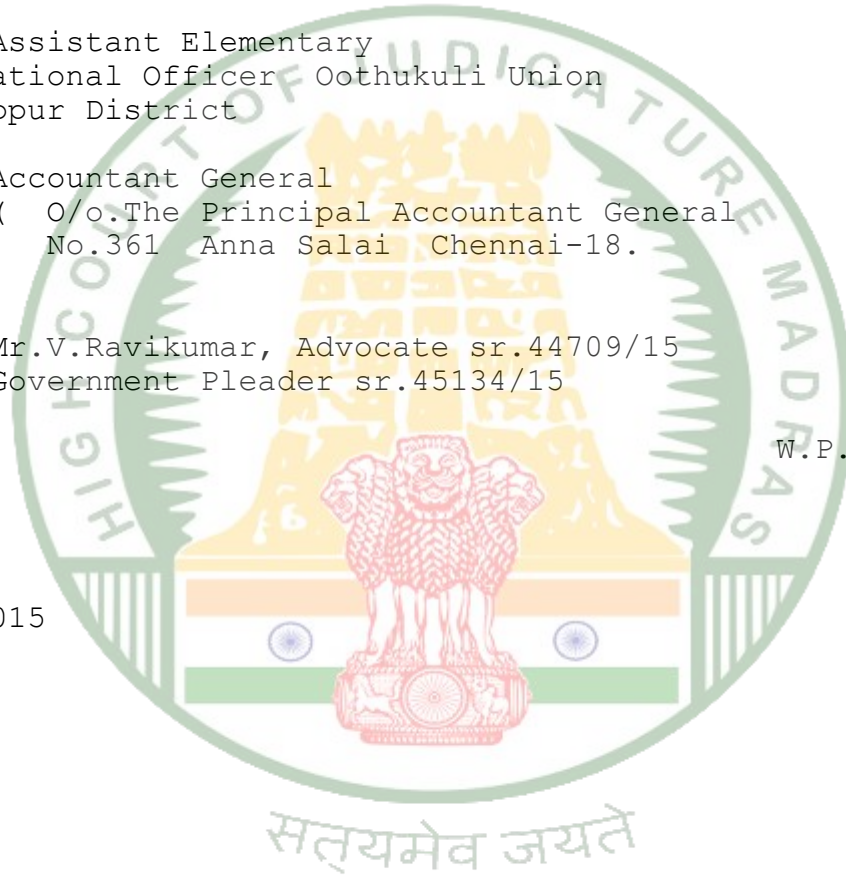
To

- 1 The Secretary to Government, State of Tamil Nadu
School Education Department Fort St. George
Chennai-9.
- 2 The Director of Elementary
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- 3 The District Elementary
Educational Officer Tiruppur Tiruppur District
- 4 The Assistant Elementary
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- 5 The Accountant General
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(A&E) No.361 Anna Salai Chennai-18.

+1 cc to Mr.V.Ravikumar, Advocate sr.44709/15
+1 cc to Government Pleader sr.45134/15

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