

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2015

CORAM

THE HON'BLE Mr. JUSTICE M.SATHYANARAYANAN

W.P.No. 26457 of 2015

1. T.Sivanandam,
2. K.V.Jayakumar
3. P. Rajeshwari
4. B.A.Ramamoorthi
5. G.Pushparani
6. P.Sivagamiammal.

...Petitioners

Vs.

1. The Accountant General (A&E),
Teynampet,
Chennai - 600 018.
2. The District Elementary Educational Officer,
Krishnagiri,
Krishnagiri District.
3. The Assistant Elementary Educational Officer,
Kaveripattinam,
Krishnagiri District.

...Respondents

This petition is filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the 1st respondent to consider the petitioners representation dated 02.07.2015 in the light of the order dated 02.02.2015 passed by the 1st respondent with reference to the G.O. Ms. No. 179, School Education Department, dated 06.09.2013 and pay all the revised duty period appears including revision of gratuity to the petitioner.

For Petitioner : M/s.R.Sreedharan

For Respondents : Mr.V.Vijayashankar for R1
Mr.R.Vijayakumar,
Additional Government Pleader
for R2 and R3.

O R D E R

By consent the writ petition is taken up for final disposal.

2. The petitioners would state that they were appointed as Secondary Grade Assistants in various Schools and promoted as Primary School Headmasters and the details of which are as follows:

Sl.No.	Name/ Designation/ Date of Appointment	Dates of Selection/ Special Grades	Date of Promotion as Headmaster/ Retirement
1	T.Sivanandam Headmaster	01.06.1984 01.06.1994	28.06.1999/ 30.06.2004
2	K.V.Jayakumar Headmaster/ 04.11.1970	01.06.1984 01.06.1994	12.07.1999/ 30.09.2005
3	P.Rajeswari Headmaster/ 29.06.1967	29.06.1977 29.06.1987	11.01.1996/ 30.06.2005
4.	B.A.Ramamoorthi Headmaster/ 01.07.1966	01.06.1977 01.06.1987	01.07.1997 31.07.2003
5.	G.Pushparani Headmaster/ 20.07.1970	01.01.1981 01.01.1991	01.08.1998 30.11.2006
6.	P.Sivagamiammal Headmaster/ 16.06.1973	16.06.1983 16.06.1993	28.06.1999 31.03.2007

3. The petitioners would further state that prior to 01.06.1998, the post of Secondary Grade and Primary School Headmaster carries the same scale of pay. In pursuant to the recommendations of V Pay Commission in G.O.No.666 Finance Department dated 27.06.1989, high scale of pay was fixed to Primary School Headmasters and it was also conferred as the promotional post with effect from 01.06.1998, the date on which the revised scale of pay came into effect. It is further stated by the petitioners that vide G.O.Ms.No.1380 Education Department dated 05.10.1990, it has been stated that the Secondary Grade Teachers who are holding the post of Primary School Headmasters as on 01.06.1998 are entitled to get selection and special grade

scales of pay of primary school headmasters by counting the service rendered as Secondary Grade Teachers. Some of the affected Headmasters, have filed a writ petition in W.P.No.13147 of 2011 and this Court has passed an order granting selection and special grade to Primary School Headmasters who were promoted after 01.06.1988 by counting the service rendered by them as Secondary Grade Teachers. The Government has also passed G.O.Ms.No.234, School Education Department dated 10.09.2009 in respect of 63 teachers conferring them selection and special grade to Primary School Headmasters by counting the service rendered by them as Secondary Grade Teachers. Since the petitioners are similarly placed, they made a request. It is further stated by the petitioners that the first respondent vide letter dated 11.02.2015 addressed to the 3rd respondent has sought for certain clarification. Since the said official has not responded, the petitioners have come forward to file this writ petition.

4. Learned counsel for the petitioners would submit that the matter in issue is squarely covered by the above cited Government Order as well as order dated 11.11.2014 made in W.P.No.25001/2012 and the order dated 13.11.2014 made in W.P.No.29497 of 2014. Therefore, appropriate direction may be issued to the 3rd respondent to give his response to the clarification sought for by the first respondent.

5. This Court, heard the submissions of the learned counsel for the petitioners and Mr.V.Vijaya Shankar, learned counsel who accepts notice on behalf of the first respondent and Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of 2nd and 3rd respondents.

6. This Court, in the light of the facts and circumstances, directs the 3rd respondent to respond to the query/clarification sought for by the first respondent in their letter dated 11.02.2015 within a period of four weeks from the date of receipt of a copy of this order. The first respondent, on receipt of the clarification from the 3rd respondent is directed to consider the same and pass appropriate orders within a period of four weeks thereafter and inform the decision taken to the petitioners. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

vsi

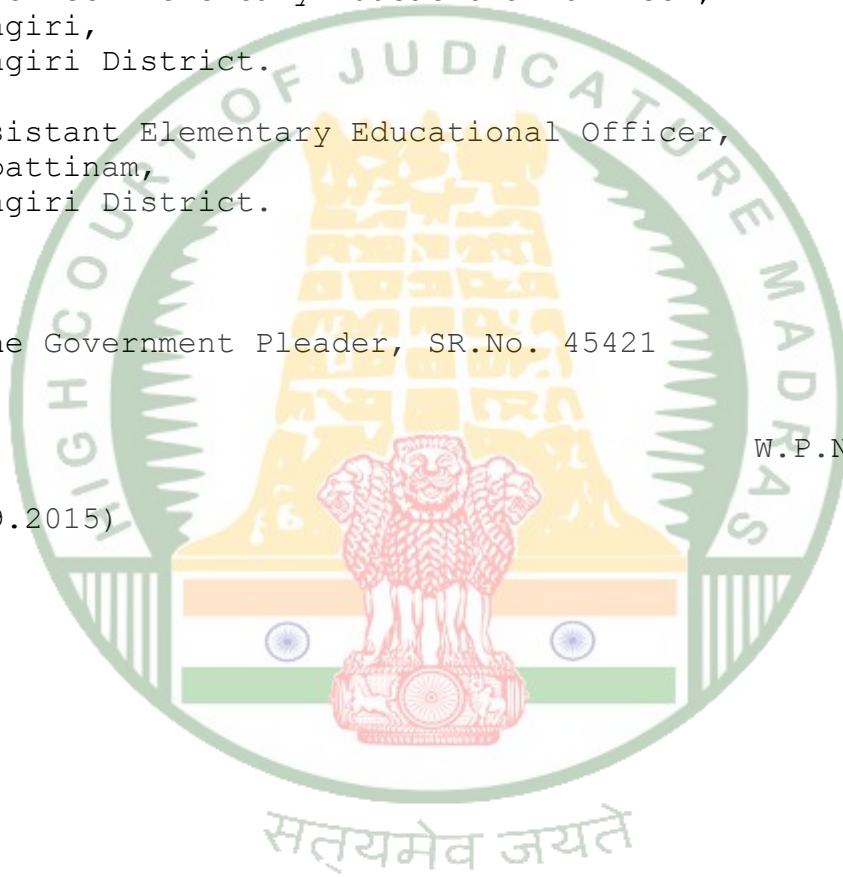
To

1. The Accountant General,
Tynampet,
Chennai - 600 018.
2. The District Elementary Educational Officer,
Krishnagiri,
Krishnagiri District.
3. The Assistant Elementary Educational Officer,
Kaveripattinam,
Krishnagiri District.

1 CC to the Government Pleader, SR.No. 45421

KSJ (CO)
PSI (11.09.2015)

W.P.No. 26457 of 2015



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