

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28657 of 2015

Mrs.V.K.Ganapathy

...Petitioner

- Vs -

1. The Secretary to Government,  
Education Department,  
Government of Tamil Nadu,  
Fort St. George,  
Chennai 600 009.
2. The Director of Elementary Education,  
College Road,  
Chennai 600 006.
3. The Additional Assistant Educational Officer,  
Gummidipoondi,  
Tiruvallur District.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to consider the representation of the petitioner dated 06.05.2015 in the light of the order passed in O.A.No.6090 of 1995 dated 13.02.2002 and G.O.Ms.No.202, dated 24.09.2008 made for granting pay protection as that of Elementary School Headmaster with all monetary benefits within a time frame to be fixed by this court.

For Petitioner : Mr.R.Kamaraj

For Respondents : Mr.V.Subbiah, Spl.G.P.

ORDER

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

2. The petitioner was initially appointed as a Secondary Grade Teacher on 31.07.1962 in the School Education Department and thereafter, on 20.06.1973, he was promoted as Elementary School Headmaster. While so, on 01.08.1981, he was transferred and posted as Secondary Grade Assistant at Vedasandoor Union and he served as such till 15.11.1992. Subsequently, on 16.11.1992, he was again promoted as Elementary School Headmaster and posted at Thangachiamalpatti. While so, on 29.07.1997, he was posted as Assistant Teacher at Karuthiya Goundanpatti and thereafter, on 01.08.1997, he was once again transferred to New Gummidipoondi and he retired from service on 31.03.2005 on attaining the age of superannuation.

3. While so, according to the petitioner, the 1st respondent has passed a Government Order in G.O.Ms.No.202, School Education (G2) Department, dated 24.09.2008 granting pay protection to the Teachers who had worked as Elementary School Headmaster before 01.06.1988 and transferred and reverted as Secondary Grade Teacher from one Union to another Union and again posted as Elementary School Headmaster. In the light of the said Government Order and also various orders of this court conferring the above benefits to a number of similarly placed persons, he made a representation to the respondents 1 and 2, but, no orders have been passed on the same is the grievance expressed by the petitioner.

5. The learned counsel for the petitioner has drawn the attention of this court to an order of a Division Bench of this court in made in W.P.No.43010 of 2005 dated 05.12.2007 [The State of Tamil Nadu and others v. D.Kannan and others] as well as an order of a single Judge of this court made in W.P.No.10729 of 2009 dated 23.12.2011 [Palanisamy v. Government of Tamil Nadu, rep. by its Principal Secretary, School Education Department, Chennai and others] wherein this court has directed the officials respondents to act upon in accordance with G.O.Ms.No.202 dated 24.09.2008. According to the learned counsel, based on the above said orders of this court, a number of similarly placed persons were extended the benefits of pay protection and thus, the petitioner is also entitled for such benefit.

6. On the above submissions, this court heard Mr.V.Subbiah, the learned Special Government Pleader, who accepted notice on behalf of the respondents, as well.

7. Taking into consideration of the facts and circumstances of the case, this court directs the respondents 2 and 3 to take note of

G.O.Ms.No.202, School Education Department, dated 24.09.2008 as well as orders of this court referred to above and pass appropriate orders on merits and in accordance with law 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.

8. The writ petition is disposed of with the above directions. No costs.

Sd/-  
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

kmk

To

1. The Secretary to Government,  
Education Department,  
Government of Tamil Nadu,  
Fort St. George,  
Chennai 600 009.
2. The Director of Elementary Education,  
College Road,  
Chennai 600 006.
3. The Additional Assistant Educational Officer,  
Gummidipoondi,  
Tiruvallur District.

1 CC to Mr.R.Kamaraj, Advocate SR.No. 49576

1 CC to the Government Pleader, SR.No. 50018

CNR (CO)  
PSI (01.10.2015)

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