

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29500 of 2015

and

M.P.No.1 of 2015

A.Jayaraman

... Petitioner

Vs.

1 The Principal Accountant
General (A&E) Chennai-600 018.

2 The Director of School
Education Chennai-6.

3 The Chief Educational Officer
Dharmapuri.

4 The District Educational
Officer Dharmapuri.

5 The Headmaster
Government Higher Secondary School B.
Thurinjipatty
Dharmapuri District-635 301.

.... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to implement the G.O.Ms.No.57, Finance (PC-II) Department, dated 28.01.1991 and refix the B.T.Assistants pay by the extent of Rule 4(3) of Tamilnadu Revised scale of pay Rules 1989 accordingly pay all the arrears of duty pay and pension within stipulated time.

For Petitioner : Mr.T.Panchatsaram

For Respondents: Mr.V.Vijayashankar for R1
Mr.V.Subbiah for R2 to R5
Special Government Pleader

O R D E R

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

2.The petitioner was initially appointed as Secondary Grade Teacher on 20.06.1977 and his services were regularised with effect from 20.06.1977. The petitioner was also said to have declared to have satisfactorily completed the period of probation on 20.06.1979. The petitioner was conferred with the benefit of selection grade scale of pay from 21.06.1987 and thereafter, got appointed as Graduate Teacher with effect from 21.01.1994 and granted selection grade scale of pay in the said post with effect from 01.06.1998 and special grade scale of pay from 01.06.2008 and he retired from service on attaining the age of superannuation on 31.01.2010.

3.The petitioner would further state that the scale of pay of Primary School Headmasters was fixed higher than that of the Secondary Grade Teachers working in High Schools/ Higher Secondary Schools and in order to segregate the anomaly, the Government has issued G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993 in and by which, Secondary Grade Teachers employed in High Schools and Higher Secondary Schools was also eligible for the scale of pay on par with Primary School Headmasters and a number of cases came to be instituted and this Court has also issued direction to the respondents to extend the benefit of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993 and it is now represented that review applications are also pending to review those applications.

4.The grievance expressed by the petitioner is that a positive recommendation was made by the fifth respondent to the first respondent vide proceedings in R.C.No.52/2014 dated 06.04.2015 stating among other things that as per the earlier proceedings dated 16.06.2014 his selection grade pay was regularised by applying Rule 4 (3) and as per the proceedings in R.C.No.52/2014 dated 06.04.2015, the pay was revised without applying Rule 4(3) and since no response is forthcoming from the first respondent, came forward to file this writ petition.

5.Heard the submissions of Mr.T.Panchatsaram, learned counsel appearing for the petitioner, Mr.V.Vijayashankar, learned counsel who accepts notice on behalf of the first respondent and Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents 2 to 5.

6.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, directs the first respondent to act on the proposal of the fifth respondent in R.C.No.52/2014 dated 06.04.2015 in accordance with law and pass 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.

7.The writ petition is disposed of accordingly. No costs.
M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Principal Accountant
General (A&E) Chennai-600 018.
- 2 The Director of School
Education Chennai-6.
- 3 The Chief Educational Officer
Dharmapuri.
- 4 The District Educational
Officer Dharmapuri.
- 5 The Headmaster
Government Higher Secondary School B.
Thurinjipatty Dharmapuri District-635 301.

+1cc to M/s. T. Panchatsaram, Advocate, S.R.No.51439

+1cc to the Government Pleader, S.R.No.51542

MP(CO)
EU(26/10/2015)

सत्यमेव जयते

W.P.No.29500 of 2015
and
M.P.No.1 of 2015

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