

THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 30.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30833 of 2015

S.M.Kannappan

..

Petitioner

Versus

1. The Principal Secretary
State of Tamil Nadu
School Education Department
Fort St George, Chennai 600 009.
2. The Director of Elementary Education,
DPI Compound, College Road,
Chennai 600 006.
3. The District Elementary Educational Officer
Vellore, Vellore District. ..

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to consider the petitioner representation dated 30.07.2015 for appointment for Selection/Special Grade on completion of 10/20 years taking into account his service from the date of first appointment as Primary School Headmaster prior to 01.06.1988 as per the orders issued in G.O.Ms.No.202, School Education [G2] Department dated 24.09.2008 and revise the fixation of pay and pensionary benefits accordingly in the light of the orders issued by the Division Bench of this Court passed in WA.No.1121 and 1673/2013 dated 22.04.2014.

For Petitioner : Mr.K.R.Gunashekar

For R1 to R3 : Mr.R.Vijayakumar, AGP

ORDER

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

2 The petitioner was appointed as Secondary Grade Assistant at Panchayat Union School on 01.01.1971 and got promoted as Headmaster on 01.06.1971 and worked in that capacity till 12.06.1975 and the petitioner was transferred and posted as Secondary Grade Teacher from 13.06.1975 to 01.07.1994 and got promoted as Headmaster, Primary School from 02.07.1994 till the age of superannuation on 31.05.2000. According to him, he has completed 29 years of blemishless service

without any adverse comments/remarks. The petitioner would state that in terms of G.O.Ms.No.202, School Education [G2] Department dated 24.09.2008, the persons who were working as Primary School Headmaster prior to 01.06.1988 and subsequently transferred and joined as Secondary Grade Teachers in Panchayat Union Schools, have to be considered as working as Primary School Headmaster from the date of joining in the Panchayat Union and the services prior to 01.06.1988 has to be taken into consideration for fixation of selection/special grades of pay. The grievance expressed by the petitioner is that though he is entitled to the benefit of the said Government Order, his claim has not been considered so far. In this regard, the petitioner submitted a representation dated 30.07.2015 to the respondents and since no orders have been passed, the petitioner came forward to file this writ petition.

3 Learned counsel for the petitioner would submit that this Court, vide common Judgment dated 22.04.2014 made in WA.Nos.1121 and 1673/2013, has upheld the claim of the petitioners therein and the respondents therein were directed to extend the benefit of the above said Government Order to them within the stipulated time and hence, prays for appropriate orders.

4 Heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5 Though the petitioner has 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 2nd respondent to consider and dispose of the petitioner's representation dated 30.07.2015 on merits and 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.

6 The writ petition is disposed of accordingly. No costs.

AP

s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Principal Secretary
State of Tamil Nadu
School Education Department
Fort St George, Chennai 600 009.

2. The Director of Elementary Education,
DPI Compound, College Road,
Chennai 600 006.

3. The District Elementary Educational Officer
Vellore, Vellore District.

+ 1 cc to Mr.K.R.Gunashekar, Advocate SR 53035

+ 1 cc to Govt.Pleader SR 53417

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