

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 08.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31976/2015

1.Betsy Elizabeth Ezhilarasi
2.Y.Selvin Stanly
3.Maria Pacifica

..Petitioners

Versus

1. The Secretary to Government of Tamil Nadu
School Education Department,
Fort St.George, Chennai-9.
2. The Director of School Educational Officer
DPI Campus, College Road,
Chennai - 6.
3. The Chief Educational Officer
Saidapet, Chennai - 15.
4. The Chief Educational Officer
Nagercoil, Kanniyakumari District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to extend the benefit of G.O.Ms.No.216, Finance (PC) Department dated 22.03.1993 and G.O.Ms.No.270, Finance (PC) Department dated 26.08.2010 in the light of the orders of the Hon'ble Division Bench in W.P.No.8747 of 2009 dated 14.07.2009 confirmed by the Hon'ble Supreme Court of India in CC.No.2746/2010 dated 23.04.2010 and accordingly award Selection/Special Grade Scale of Pay with effect from 1.6.1988 and revision of Pensionary benefits and pay arrears immediately to the petitioners.

For Petitioners : Mr.G.Punniyakotti
For Respondents : Mr.N.Srinivasan,
Additional Government Pleader

ORDER

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

2 Following are the service particulars of the petitioners:-

S.No	Name	Selection Grade/Special Grade	D.O.R.
1	Betsy Elizabeth Ezhilarasi	01.04.1990 01.04.2001	31.01.2012
2	Selvin Stanly	04.10.2000 04.10.2010	31.05.2014
3	Maria Pacifica	20.06.1987 20.06.1997	31.01.2014

3 It is the claim of the petitioners that the benefits of the selection grade scale of pay of the lower post which is equal to the ordinary scale of pay of the promotion post and the Special Grade scale of pay equal to the selection grade scale of pay of the promotion post are not given to them, in spite of G.O.Ms.No.216, Finance [Pay Cell] Department dated 22.03.1993. In this regard, they have also submitted a joint representation dated 08.10.2014 and since no orders have been passed, they came forward to file this writ petition.

4 Learned counsel for the petitioner would submit that this Court, in the decision reported in [2015]1 CWC 337 [G.Eswaran and Others Vs. Government of Tamil Nadu rep. by its Secretary to Government, School Education Department, Chennai-9.] has upheld the claim of refixation of the scale of pay of similarly placed persons and with regard to the arrears of salary is concerned, it is open to the Government to take a decision on the same.

5 This Court heard the submissions of the learned counsel for the petitioners and Mr.N.Srinivasan, learned Additional Government Pleader who accepts notice on behalf of the respondents.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, permit the petitioners to submit one more representation to the respondents within a period of two weeks from the date of receipt of a copy of this order, by enclosing a copy of this order and on receipt of the same, the 2nd respondent is directed to consider and dispose of the said representation on merits and in accordance with law and pass orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioners.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Secretary to Government of Tamil Nadu
School Education Department,
Fort St.George, Chennai-9.
2. The Director of School Educational Officer
DPI Campus, College Road,
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Saidapet, Chennai - 15.
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Nagercoil, Kanniyakumari District.

+1cc to Mr.F. Punniyakotti, Advocate, S.R.No.54995
+1cc to the Government Pleader, S.R.No.55125

TM(CO)
EU(20/10/2015)

सत्यमेव जयते

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