

IN THE HIGH COURT OF JUDICATURE AT MADRAS

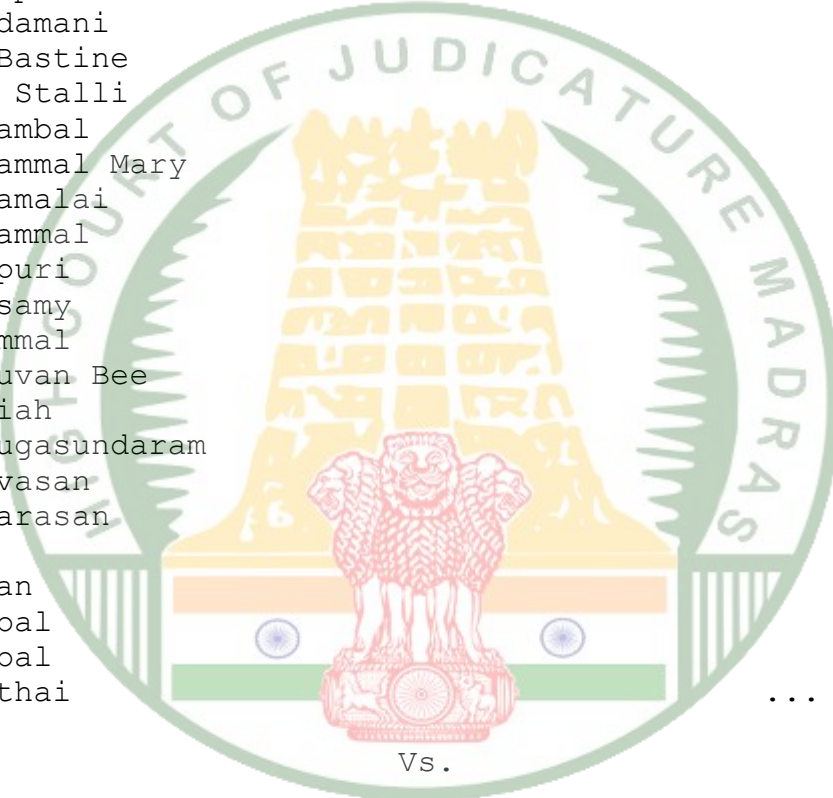
DATE : 26.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No.33813 of 2015

1. A.Xavier
2. A.Chellapillai
3. K.T.Soodamani
4. S.John Bastine
5. P.Frida Stalli
6. M.Mohanambal
7. P.Chinnammal Mary
8. C.G.Vadamalai
9. P.Valliammal
- 10.K.Vaiyapuri
- 11.K.Kannusamy
- 12.A.Sellammal
- 13.A.Saguruvan Bee
- 14.P.Subbaiah
- 15.C.Shanmugasundaram
- 16.M.Srinivasan
- 17.P.Tamilarasan
- 18.V.Raju
- 19.G.Kesavan
- 20.S.Rajambal
- 21.S.Rajambal
- 22.B.Papputhai



... Petitioners

Vs.

1. The Government of Tamil Nadu
Rep. by the Secretary to the Government
School Education Department
Fort St.George, Chennai-600 009.
2. The Director of Elementary Education
College Road, Chennai-600 006.
3. The District Elementary Educational Officer
Trichy, Trichy District.

4. The Assistant Elementary Educational Officer
Mannachanallur, Trichy District.
5. The Assistant Elementary Educational Officer
Musiri, Trichy District.
6. The Assistant Elementary Educational Officer
Vaiyampatti, Trichy District.
7. The Accountant General
(Accounts & Entitlements) Tamil Nadu
361 Anna Salai
Chennai-600 018.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay the arrears of pay to the petitioner for the period they worked consequent on the re-fixation of their pay and pension as per G.O.Ms.No.207 School Education (G-2) Department, dated 30.9.2008 and grant the petitioner with all consequential benefits.

For Petitioner : Mr.P.Rajeandran

For Respondents : Mr.V.Subbiah
Special Govt. Pleader-for R1 to R6

Mr.V.Vijayashankar - for R7

O R D E R

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

2. The petitioners claim that they were initially appointed as Secondary Grade Teachers and they were conferred with the benefit of Selection Grade and Special Grade in the said post and got their promotion as Primary School Headmasters and some of them were retired as Primary School Headmasters and some of them were retired as Middle School Headmasters. It is stated by the petitioners that prior to 1.6.1988, the post of Primary School Headmasters and Secondary Grade Teachers carried

he same scale of pay and as such, the post of Primary School Headmaster was not considered to be a promotion post for the post of Secondary Grade Teacher and consequently, seniority was not followed while making transfers and postings as Primary School Headmaster. However, with effect from 1.6.1988 onwards, the post of Primary School Headmaster was given a higher scale of pay namely, Rs.1400-2600 whereas, the post of Secondary Grade Teacher was given a lower scale of pay of Rs.1200-2040. The 1st respondent in G.O.Ms.No.1381, School Education Department, dated 05.10.1990 directed that in the case of persons, who were in position as Primary School Headmaster as on 1.6.1988, their entire service should be counted for the purpose of awarding Selection/Special grades in the post of Primary School Headmaster. However, the said benefit was denied to those who were promoted as Primary School Headmasters after 1.6.1988. Challenge was made to the said order and the Tamil Nadu Administrative Tribunal quashed the said Government Order and directed the Government to issue revised orders. Accordingly, the 1st respondent issued G.O.Ms.No.300, Education Department, Dated 7.4.1994 directing that the service rendered in the post of Primary School Headmaster alone prior to 1.6.1988 be counted along with the service rendered in the said post after 1.6.1988 and selection/special grades be fixed accordingly and once again it was put to challenge. This court directed the Government to reconsider the issue and accordingly the 1st respondent issued G.O.Ms.No. 185, School Education Department, dated 16.12.2002 fixing the cut off date as 1.6.1988 and again it was put to challenge and pending disposal of the writ petitions, the 1st respondent issued G.O.Ms.No.160, School Education Department, dated 23.8.2005 directing that in respect of persons who worked as Primary School Headmaster as on 1.6.1988 and continuing as Primary School Headmaster even after 1.8.2005, the service rendered by them in the post of Primary school Headmaster as on 1.8.2005, be taken into account for granting selection/special grade scales of pay in the post of Primary school Headmaster and that the basic pay drawn by them as on 1.8.2005 shall be taken into account for the purpose of awarding Selection/Special grade pay. It was followed by G.O.Ms.No.212, School Education Department, dated 7.8.2000 and in G.O.Ms.No.207, School Education (G-2) Department, dated 30.09.2008. The petitioners have submitted their representations through proper channel on 22.03.2014 requesting the 2nd respondent to direct the 3rd respondent to pay the arrears of pay consequent on the re-fixation of pay as per G.O.Ms.No.207, School Education (G-2) Department, dated

30.09.2008 and since no orders have been passed, they came forward to file this writ petition.

3. Mr.P.Rajeandran, learned counsel for the petitioners would submit that the petitioners are also entitled to similar benefit and prays for appropriate orders.

4. Per contra, Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 6 would contend that the petitioners are guilty of delay and laches for the reason that they have approached this Court very belatedly by filing this writ petition and hence, on this sole ground, the writ petition deserves to be dismissed and prays for dismissal of the writ petition.

5. Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the case, directs the 2nd respondent to consider and dispose of the petitioners' representation dated 22.03.2015 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 petitioners as well as to the 7th respondent.

This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Secretary to the Government
School Education Department
Fort St.George, Chennai-600 009.
2. The Director of Elementary Education
College Road, Chennai-600 006.

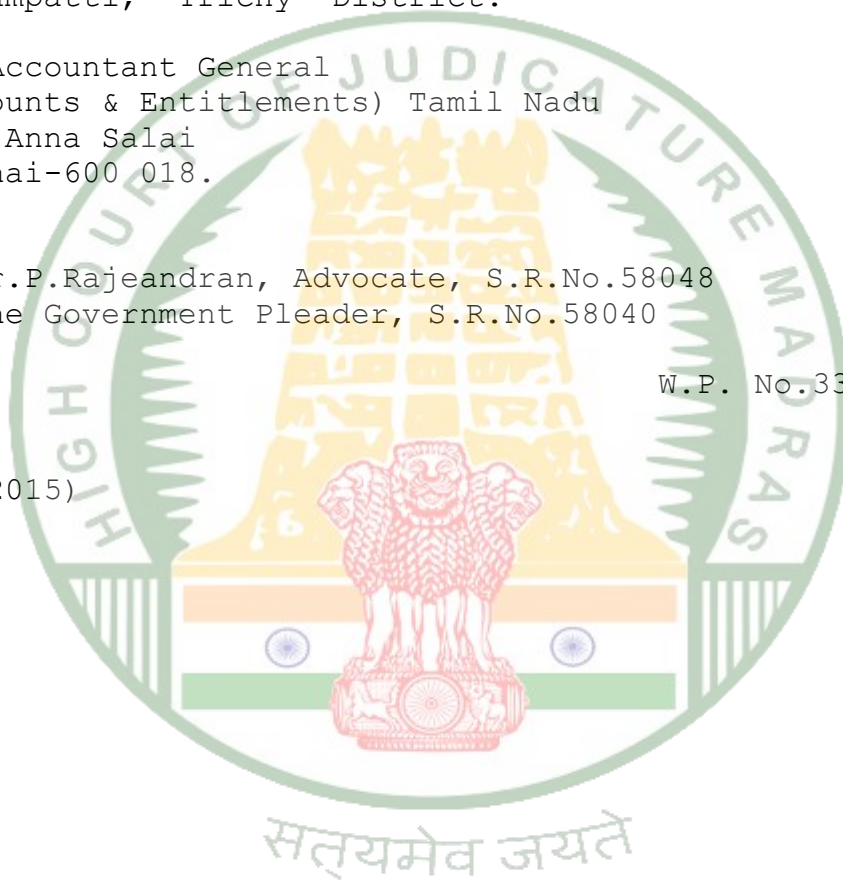
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Vaiyampatti, Trichy District.
7. The Accountant General
(Accounts & Entitlements) Tamil Nadu
361 Anna Salai
Chennai-600 018.

+1cc to Mr.P.Rajeandran, Advocate, S.R.No.58048

+1cc to the Government Pleader, S.R.No.58040

W.P. No.33813 of 2015

LRS (CO)
CA(16/11/2015)



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