

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2015

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THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.34894 and 34895 of 2015

S.Munirathinam ...Petitioner in W.P.No.34894/15

L.M.Krishnasamy ...Petitioner in W.P.No.34895/15

-Vs-

- 1 The Secretary to Government
Government of 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
Tiruvallur District
Tiruvallur
- 4 The Assistant Elementary Educational Officer
R.K.Pet
Tiruvallur District ...Respondents in both WPs

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to consider and pass orders on the petitioner representation dated 01.10.2015 in the light of the order passed in W.P.No.43010 of 2006 dated 05.12.2007 and G.O. Ms.No.202 dated 24.09.2008 made for granting pay protection as that of Elementary Headmaster with all monetary benefits within a time frame as may be fixed by this Honourable Court.

For Petitioner
in both Wps : Mr.R.Kamaraaj

For Respondents
in both WPs : Mr. S.Gunasekaran Govt. Advocate

COMMON ORDER

By consent, these Writ Petitions are taken up for final disposal.

2. The petitioner in W.P.No.34984/15 was appointed as Secondary Grade Assistant Teacher and on 01.03.1972, he was given promotion and posted as Higher Grade Teacher and got his further promotion as Secondary Grade Teacher on 17.10.1973 and posted at Panchayat Union School, Balapuram, R.K.Pet Union. On 03.6.1975, the petitioner was promoted as Elementary School Head Master and posted at Mahankaliyapuram Panchayat Union Elementary School, R.K.Pet Union and was transferred to Kattur Panchayat Union Elementary School on 23.6.1977 and worked there up to 30.09.1979. On 01.10.1979, he was reverted as Secondary Grade Teacher and posted at Balapuram East Panchayat Union Elementary School. The petitioner on 28.08.1995, got his promotion as Elementary School Headmaster and posted at Panchayat Union Elementary School, Thamaneri, R.K. Pet Union and on 30.06.2004 retired from service.

2a. Similarly, the petitioner in W.P.No.34985/15 was appointed as Secondary Grade Apprentice Teacher in Aswarevanthapuram Panchayat Union School, R.K.Pet Union and on 01.03.1972, he was given promotion and posted as Higher Grade Teacher and got his further promotion as Secondary Grade Teacher on 17.10.1973 and was posted as Secondary Grade Teacher in the Panchayat Union School, Vilakanampudi, R.K.Pet Union. On 23.6.1977, he was promoted as Elementary School Head Master and posted at Marati Madurapuram Panchayat Union Elementary School, R.K.Pet Union and was reverted/transferred as Secondary Grade Teacher and posted at Rajanagaram West Panchayat Union Elementary School, R.K.Pet Union. On 28.08.1995, he got his promotion as Elementary School Headmaster and posted at Panchayat Union Elementary School, Rajanagaram West, R.K. Pet Union and on 31.07.2002 retired from service.

3. Petitioners would state that after the introduction of the 6th Pay Commission, scale of pay for the post of Elementary School Headmaster was increased higher than the scale of pay of Secondary Grade Teacher. Therefore, several teachers, who worked in that capacity, had approached the Tamil Nadu Administrative Tribunal claiming pay protection and the said original applications were allowed. Similarly, teachers, who transferred from one union to another union also filed O.A.No.6090 of 1995 batch before the Tamil Nadu Administrative Tribunal and it was allowed. Challenging the order, the official respondent filed a writ petition and it was also dismissed and thereafter, the first respondent has passed G.O.Ms.No.202, dated 24.9.2008 granting pay protection to the teachers, who were working as Elementary School Headmaster before 01.06.1988 and reverted to the post of Secondary Grade Teacher. Petitioners would further state that several teachers, who have transferred were also granted pay protection and in this regard, submitted a representation dated 01.10.2015 to respondents 1 and 2 directing for such relief. Since no orders have been passed, came forward to file these writ petitions.

4. The learned counsel appearing for the petitioners would submit that the matters in issue are squarely covered by the order dated 23.12.2011 made in W.P.No.10729 of 2009 in Palanisamy Vs. Government of Tamil Nadu and others and prays for appropriate orders .

5. Heard the submissions of the learned counsel for the petitioners and Mr.S.Gunasekaran, learned Government Advocate, who accepts notice on behalf of respondents.

6. Though the petitioners have prayed for a larger relief, this Court, without going into the merits of the case, directs the respondents 1 and 2 to consider and dispose of the petitioners' representation dated 01.10.2015 on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

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7. These Writ Petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary to Government
Government of 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
Tiruvallur District
Tiruvallur
 - 4 The Assistant Elementary Educational Officer
R.K.Pet Tiruvallur District.
- 2 CCs to Mr.R.Kamaraj, Advocate SR.No. 59875, 59874
- 2 CCs to the Government Pleader, SR.No. 59890, 60033

W.P.Nos.34894 and 34895 of 2015

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PSI (16.11.2015)

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