

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.NO.3629 OF 2015

K.Subramani

... Petitioner

Versus

1.The Secretary to Government
School Education Department
Government of Tamil Nadu
Fort St. George, Chennai - 600 009.

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

3.The District Elementary Educational Officer
Thiruvallur District.

4.The Additional Assistant Elementary
Educational Officer
Ellapuram Union,
Thiruvallur District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents herein to pass appropriate order by extending the privilege and benefits of G.O.No.234, School Education, dated 10.09.2009 in order to grant the relief of monetary benefits for Selection Grade and Special Grade accordingly as the petitioner is seeking the similar relief already granted to others in this regard with reference to the Division Bench order of this Court, under W.P.Nos.18388 and 18389 of 2010 dated 29.08.2011.

For Petitioner : Mr.G.Thangavel

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

Heard both sides. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner was appointed as Secondary Grade Teacher on 26.12.1979. He was granted Selection Grade on 26.12.1989 and Special Grade on 26.12.1999. He was promoted as Primary School Headmaster on 03.06.2002. He retired from service on 30.04.2010.

3.The grievance of the petitioner is that he should be granted Selection Grade / Special Grade in the post of Primary School Headmaster by counting the service rendered by him as Secondary Grade Teacher when he was promoted as Primary School Headmaster.

4.Before 01.06.1988, the post of Secondary Grade Teacher and Primary School Headmaster carried the same scale of pay. Therefore, in fact, no seniority was followed for appointment to the post of Primary School Headmaster. When the scale of pay of Government employees and the Teachers was revised, pursuant to the recommendations of the V Pay Commission, in G.O.Ms.No.666, Finance Department, dated 27.06.1989, higher pay was fixed to the Primary School Headmaster and the Primary School Headmaster became the promotional post to Secondary Grade Teacher, with effect from 01.06.1988, the date on which the revised scale of pay came into effect.

5.While the scale of pay of Secondary Grade Teacher was revised to Rs.1200-2040 with effect from 01.06.1988, pursuant to V Pay Commission's recommendations, the scale of pay of the Primary School Headmaster with effect from 01.06.1988 was revised to Rs.1400-2600. Prior to the said revision, both the Secondary Grade Teacher and Primary School Headmaster were in the scale of pay of Rs.610-1075.

6.When the Primary School Headmaster became promotional post and higher scale was given to the said post, with effect from 01.06.1988, pursuant to G.O.Ms.No.666, Finance Department, dated 27.06.1989, the Government should have made clear that the juniors who were holding the post of Primary School Headmaster would be reverted, and the vacancies that would arise due to such reversion in the Primary School Headmaster posts, should have been filled up based on the seniority. But this was not done by the Government for the reasons best known to them. This led to a lot of litigations.

7.Ultimately, the Government issued various orders granting the benefit of Selection Grade / Special Grade to the Primary School Headmasters, by counting the service rendered by them as Secondary Grade Teachers, if they joined as Secondary Grade Teachers before 01.06.1988.

8.I have considered the entire history of the litigations in my judgment dated 11.11.2014 in W.P.No.25001 of 2012. A person, who joined as Secondary Grade Teacher before 01.06.1988 is entitled to claim the benefit of counting the service of Secondary Grade Teacher for Selection Grade and Special Grade in the post of Primary School Headmaster, if he is promoted as Primary School Headmaster after 01.06.1988, without fixing the cut off date as 31.12.1995. Thousands of Teachers were granted the benefits. Hence, there is no reason to deny the same to the petitioner herein.

9.Therefore, a direction is issued to the first respondent to grant Selection Grade / Special Grade to the petitioner in the post of Primary School Headmaster by counting the service rendered by him as Secondary Grade Teacher; pay monetary benefits pursuant thereto; revise the terminal benefits; refix pension and other benefits and pay arrears of pension and other benefits, within a period of three months from the date of receipt of a copy of this order.

10.The writ petition is disposed of with the above observation and direction. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/
सत्यमेव जयते

Sub Asst. Registrar

TK

To

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School Education Department
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WEB COPY

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1 cc to Mr.G. Thangavel, Advocate, Sr. 19944

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