

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.12544 of 2013

1. M.Madan
2. K.R.Ramachandran
3. R.Chandran
4. S.R.Ramamorthy
5. T.M.Pyareyjan
6. M.Tajudeen
7. Pulavar P.Krishnamoorthy
8. K.A.Abdul Rasheed
9. R.S.Jayabal
10. K.Kalavathi
11. T.V.Vediyappan
12. N.Kuppusamy
13. N.K.Pavunammal
14. D.Padmini
15. T.Munusamy
16. D.Nagalingam
17. K.S.Nagarajan
18. S.Aptha Begam
19. V.Periyannan
20. N.L.Rajagopal
21. D.Anandan
22. K.Sathiyarayanan
23. C.Venkataraman
24. D.S.Ramachandraiah
25. C.Venkataramaiah
26. N.Priyathambi
27. P.V.Nandhan
28. R.Devanesan
29. Y.Rathinamani
30. M.Kalliyappan

Vs.

... Petitioners

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

2. The Director of Elementary Education,
College Road, Nungambakkam,
Chennai-600 006.
 3. The District Elementary Educational Officer,
Krishnagiri, Krishnagiri District.
 4. The District Elementary Educational Officer,
Salem, Salem District.
 5. The District Elementary Educational Officer,
Vellore, Vellore District.
 6. The District Elementary Educational Officer,
Dharmapuri, Dharmapuri District.
 7. The Assistant Elementary Educational Officer,
Krishnagiri, Krishnagiri District.
 8. The Assistant Elementary Educational Officer,
Burgur, Krishnagiri District.
 9. The Assistant Elementary Educational Officer,
Veppanapalli, Krishnagiri District.
 10. The Assistant Elementary Educational Officer,
Hosur, Krishnagiri District.
 11. The Assistant Elementary Educational Officer,
Thali, Krishnagiri District.
- ... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the third respondent relating to Letter I(D)No.28/GI/2013, School Education Department, dated 01.02.2013 to quash the same and to direct the respondents to extend the benefits of G.O.Ms.No.210, Education (G1) Department, dated 14.08.2009, and G.O.Ms.No.190, dated 12.07.2010 by counting his earlier service in Secondary Grade category as well as Primary School Headmaster/B.T. Assistant/Tamil Pandits categories along with the present Middle School Headmaster post and award the Selection / Special Grade scale of pay with effect from 01.06.1988 onwards including Revised pensionary benefits.

For Petitioners : Mr.V.Thirupathi
For Respondents : Mr.D.Krishnakumar
Special Government Pleader

ORDER

Heard both sides.

2.1. Before 01.10.1970, the post of Secondary Grade Teacher, Primary School Headmaster and Middle School Headmaster carried the same scale of pay.

2.2. After 01.10.1970, the post of Middle School Headmaster became a promotional post. However, the juniors were retained, after 01.10.1970, in the post of Middle School Headmaster. This led to various litigations.

2.3. In these circumstances, the Government issued G.O.Ms.No.784, Rural Development and Local Administration Department, dated 14.05.1979, reverting the juniors, who are holding the post of Middle School Headmaster as on 01.10.1970, as Secondary Grade Teacher or Primary School Headmaster, since both the post of Secondary Grade Teacher and Primary School Headmaster carried the same scale at that time, protecting the interest of junior teachers by protecting the scale of pay of Middle School Headmaster, which they received. That is, after about 9 years, the aforesaid development took place and the Government issued G.O.Ms.No.784.

2.4. The junior teachers, who faced reversion, challenged the Government Order in G.O.Ms.No.784, dated 14.05.1989, and obtained order of stay and thereby continued as Middle School Headmaster, pursuant to the said order. Hence, the seniors got affected.

2.5. The matter went upto the Apex Court and the Apex Court was not willing to interfere with the government order in G.O.Ms.No.784 as it gave the benefit to both senior and junior teachers.

3.1. In these circumstances, the issue was resolved by the Tamil Nadu Administrative Tribunal in the order dated 25.04.1996 in O.A.Nos.2250 of 1991 directing to count the service rendered as Secondary Grade Teacher/Primary School

Headmaster to give Selection Grade / Special Grade to the Middle School Headmaster, who joined as a Secondary Grade Teacher before 01.10.1970. The said order was followed by the Tamil Nadu Administrative Tribunal in the order dated 17.04.2002 in O.A.No.3521 of 1997 etc. batch.

3.2. There was revision in the scale of Middle School Headmaster, pursuant to V Pay Commission recommendation, which was implemented with effect from 01.06.1988.

3.3 The petitioners involved in those Original Applications before Tamil Nadu Administrative Tribunal were promoted as Middle School Headmasters before 01.06.1988 and hence, they sought the revision of scale of pay applicable to the post of Middle School Headmaster as on 01.06.1988 by granting them the revision for Selection Grade / Special Grade in the post of Middle School Headmaster by counting the service rendered as Secondary Grade Teachers and Primary School Headmasters.

4. Later, some of the petitioners in the batch filed W.P.No.29626 of 2005 and 29624 of 2005 seeking for implementation of the order of the Tribunal, which attained finality and this Court by the order dated 15.09.2005 directed the respondents therein to implement the order. The said order was also confirmed by a Division Bench in W.A.No.223 on 21.04.2008.

5. Thereafter, the Government issued G.O.Ms.No.210, School Education (G1) Department, dated 14.08.2009, for counting the service rendered as Secondary Grade Teacher and Primary School Headmaster before 01.06.1988 for the purpose of grant of Selection Grade / Special Grade pay to Middle School Headmaster, in respect of the petitioners in those Original Applications, who became Middle School Headmaster before 01.06.1988.

6. Thus, if one joined as Secondary Grade Teacher before 01.10.1970, such person is entitled to Selection Grade / Special Grade Pay, on his promotion to the post of Middle School Headmaster, by counting the service rendered in the post of Secondary Grade Teacher / Primary School Headmaster. That is, it is made clear that such person shall be granted Selection Grade / Special Grade Pay in the post of Middle School Headmaster on his promotion to the post of Middle School Headmaster.

7. In this case, the service particulars of the petitioners, that are required for the purpose of this case, are hereunder :

Sl. No	Name of the Petitioner	Date of promotion as Secondary Grade Teacher	Date of Promotion as Middle School headmaster	Date of Retirement
1	M.Madan	01.10.1970	26.06.1989	30.09.2003
2	K.R.Ramachandran	06.04.1959	23.03.1983	31.07.1994
3	R.Chandran	02.10.1973	21.09.1984	30.04.2006
4	S.R.Ramamorthy	20.06.1966	01.07.2000	Retired
5	T.M.Pyareyjan	01.08.1967	24.10.1997	Retired
6	M.Tajudeen	15.07.1972	01.07.2000	31.08.1996
7	Pulavar P.Krishnamoorthy	01.06.1966	24.10.1997	30.04.2004
8	K.A.Abdul Rasheed	01.01.1971	31.12.1992	30.09.2003
9	R.S.Jayabal	24.07.1965	27.06.1989	31.07.1997
10	K.Kalavathi	01.07.1965	28.04.2005	Retired
11	T.V.Vediyappan	12.06.1967	30.06.1997	30.11.2004
12	N.Kuppusamy	01.06.1972	05.06.2000	30.06.2005
13	N.K.Pavunammal	03.07.1978	28.04.2005	30.06.2007
14	D.Padmini	01.07.1977	28.04.2005	31.05.2008
15	T.Munusamy	26.04.1971	06.06.2000	31.07.2005
16	D.Nagalingam	01.01.1971	14.12.1999	Retired
17	K.S.Nagarajan	15.07.1972	01.07.2000	30.09.1996
18	S.Aptha Begam	01.01.1971	19.03.1991	31.08.2001
19	V.Periyannan	15.07.1972	01.08.1995	Retired
20	N.L.Rajagopal	23.03.1966	27.04.2005	Retired
21	D.Anandan	01.06.1974	07.09.2004	31.12.2006
22	K.Sathiyarayan an	14.02.1976	21.04.1995	Retired

Sl. No	Name of the Petitioner	Date of promotion as Secondary Grade Teacher	Date of Promotion as Middle School headmaster	Date of Retirement
23	C.Venkataraman	15.07.1972	03.06.2002	Retired
24	D.S.Ramachandraiah	26.04.1971	08.09.2004	Retired
25	C.Venkataramaiah	01.04.1974	21.07.2000	31.05.2007
26	N.Periyathambi	02.10.1973	14.12.1999	31.05.2005
27	P.V.Nandhan	01.01.1971	14.12.1999	31.05.2005
28	R.Devanesan	08.10.1957	01.08.1995	31.05.1996
29	Y.Rathinamani	07.08.1968	27.04.2005	31.05.2005
30	M.Kalliyappan	15.07.1972	01.07.2000	30.04.2006

8. The Teachers are entitled to Selection Grade / Special Grade pay in the post of Middle School Headmaster, from the date of promotion to the post of Middle School Headmaster, by counting the service of Secondary Grade Teachers / Primary School Headmasters, if they joined before 01.10.1970. The petitioner Nos.2, 4, 5, 7, 9, 10, 11, 20, 28 and 29 joined service before 01.10.1970 and they became Middle School Headmasters and they are entitled to Selection Grade / Special Grade from the date of their promotion as Middle School Headmasters, by counting the service as Secondary Grade Teachers/Primary School Headmasters and accordingly they are also entitled to revision of pay in the Selection Grade / Special Grade in the post of Middle School Headmasters from 01.06.1988 based on G.O.Ms.No.210, dated 14.08.2009, as there was pay revision with effect from 01.06.1988. The remaining petitioners, namely, petitioner Nos.1, 3, 6, 8, 12 to 19, 21 to 27 and 30 are not entitled to seek the benefit of G.O.Ms.No.210, dated 14.08.2009.

9. In my view, the petitioner Nos.2, 4, 5, 7, 9, 10, 11, 20, 28 and 29 are entitled to seek Selection Grade / Special Grade in the post of Middle School Headmaster by counting the service of Secondary Grade Teachers / Primary School Headmasters from the date on which they were promoted as Middle School Headmasters.

10. In view of the aforesaid narration of facts, the petitioner Nos.2, 4, 5, 7, 9, 10, 11, 20, 28 and 29 are entitled to Selection Grade / Special Grade pay in the post of Middle School Headmaster with effect from the date of promotion as Middle School Headmaster.

11. For the aforesaid reasons, the impugned order is set aside and the petitioner Nos.2, 4, 5, 7, 9, 10, 11, 20, 28 and 29 shall be granted Selection Grade / Special Grade pay in the post of Middle School Headmaster, by counting the service rendered as Secondary Grade Teachers/Middle School Headmasters, from the date of their promotion to the post of Middle School Headmaster, if the said petitioners were not given the same already, with all monetary benefits and the pensionary benefits with arrears within a period of four weeks from the date of receipt of a copy of this order, in the light of the aforesaid direction. In respect of other petitioners, namely, petitioner Nos.1, 3, 6, 8, 12 to 19, 21 to 27 and 30, this writ petition stands dismissed.

The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
School Education Department,
Government of Tamil Nadu,
Fort St. George, Chennai-600 009.
2. The Director of Elementary Education,
College Road, Nungambakkam,
Chennai-600 006.
3. The District Elementary Educational Officer,
Krishnagiri, Krishnagiri District.

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Thali, Krishnagiri District.

+1cc to Mr.V.Thirupathi, Advocate, S.R.No.39332

+1cc to the Government Pleader, S.R.No.39829

W.P.No.12544 of 2013

MG(CO)
CA(16/12/2015)

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