

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.7351 of 2015

1. R.Gnanasekaran
2. V.Kesavan
3. V.Manickam
4. K.Palanisamy
5. V.Girija
6. P.Ramanlingam
7. N.Poompavai
8. V.R.Rajendran
9. V.Manickavasagam
- 10.L.P.Ponnurangam
- 11.R.Kalaiselvan

... Petitioners

Vs.

1. The Government of Tamil Nadu,
rep. by the Secretary to 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,
Villupuram, Villupuram District.
4. The District Elementary Educational Officer,
Trichy, Trichy District.
5. The Assistant Elementary Educational Officer,
Kallakurichi, Villupuram District.
6. The Assistant Elementary Educational Officer,
Langudi, Trichy District.
7. The Assistant Elementary Educational Officer,
Chinna Salem, Villupuram District.
8. The Assistant Elementary Educational Officer,
Marakkanam, Tindivanam Taluk,
Villupuram District.

.. Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to extend the benefit of the G.O.Ms.No.210, School Education Department, dated 14.08.2009, insofar as the petitioners are concerned and accordingly to award special grade scale of pay in the post of B.T. Grade Middle School Headmaster by counting their lower grade Secondary Grade Assistant Service, Elementary School Headmaster Services, Tamil Pandit Service as has been granted to 60 similarly placed persons.

For Petitioners : Mr.K.Thennan

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. 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 Appointment in Secondary Grade	Date of promotion as Elementary School Headmaster	Date of Promotion as B.T. Grade Middle School Headmaster
1	R.Gnanasekaran	09.04.1982	19.09.2002	02.06.2008
2	V.Kesavan	01.06.1981	05.06.2002	25.07.2007
3	V.Manickam	13.04.1978	18.06.2001	28.06.2006
4	K.Palanisamy	24.11.1980	31.12.2002	06.11.2007
5	V.Girija	23.12.1980	05.06.2002	27.11.2006
6	P.Ramalingam	06.07.1977	18.06.2001	28.06.2006
7	N.Poompavai	19.11.1975	21.12.2001	28.06.2006
8	V.R.Rajendran	06.07.1977	18.06.2001	27.10.2005
9	V.Manickavasagam	18.07.1970	13.11.1995	01.06.2000
10	L.P.Ponnurangam	23.08.1958	04.07.1960	07.07.1983
11	R.Kalaiselvan	11.12.1973	18.11.1998	22.04.2005

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 service before 01.10.1970. The petitioners 9 and 10 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 Headmaster, by counting their 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 Headmaster 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, petitioners 1 to 8 and 11 joined service after 01.10.1970 and they cannot seek the benefit of G.O.Ms.No.210, dated 14.08.2009.

9. In my view, the petitioners 8 and 9 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 those petitioners were promoted as Middle School Headmasters.

10. For the aforesaid reasons, the petitioners 8 and 9 shall be granted Selection Grade/Special Grade pay in the post of Middle School Headmaster, by counting the service rendered as Secondary Grade Teachers/Primary 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 the remaining petitioners, this writ petition stands dismissed.

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

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

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.
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+ 1 cc to the Govt.Pleader SR 39846

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