

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.19149 of 2012

M.Renganathan

...Petitioner

-vs-

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.
- 2.The Accountant General (A & E)
Anna Salai, Teynampet,
Chennai - 600 018.
- 3.The District Elementary Educational Officer,
Pudukottai, Pudukottai District.
- 4.The Assistant Elementary Educational Officer,
Manamelkudi, Pudukottai District.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the respondents to consider the petitioner representation dated 20.02.2012 for re-fixation of special grade scale of pay on par with Headmaster's post with notional effect from 01.06.1988, consequently pay all the retiral benefits to the petitioner.

For Petitioner : Mr.R.Sreedharan

For Respondents : Mr.S.Gunasekaran
Government Advocate for R1,R3 and R4
Mr.V.Vijayshankar for R2

O R D E R

The petitioner was appointed as Junior Grade Teacher in Puvalam Panchayat Union Elementary School. Subsequently, he joined as Secondary Grade Teacher on 01.10.1970. He was promoted as

Primary School Headmaster on 04.07.1997. In the meantime, he was granted Selection Grade and Special Grades on completion of 10 years and 20 years of service as a Secondary Grade Teacher. He retired from service on 28.02.2003.

2. The petitioner has come up with this writ petition seeking for a direction to the respondents to consider his representation dated 20.02.2012 for re-fixation of special grade scale of pay on par with Headmaster's post with notional effect from 01.06.1988 and consequently to pay him the retiral benefits.

3. The second respondent has filed counter affidavit dated 23.01.2015. In paragraphs 6 to 9 it is stated as follows:-

" 6. It is submitted that the petitioner had served as Secondary Grade Teacher from 01.10.1970 and was granted Special Grade in that post on 01.10.1990 i.e., after 20 years of service as Teacher. He was promoted as ordinary Grade Headmaster on 04.07.1997 and he had retired on 28.02.2003.

Though the petitioner was promoted as Headmaster on 04.07.1997, he was granted Selection Grade on 01.06.1998 itself and pensionary benefits settled on 26.03.2003 by counting identical scale service in lower post from 01.06.1988. Thereafter, Government have issued, after prolonged litigation by various Teachers Associations, G.O.207 School Education Department, dated 30.09.2008.

7. It is submitted that applying this Government Order, the Petitioner's entire service as Secondary Grade Teacher before 1.6.88 was taken into account for grant of Special Grade in Headmaster Post and thus the Petitioner's pensionary benefits were revised treating him as a Special Grade Elementary School Headmaster on the date he was promoted as Headmaster i.e., 04.07.1997.

8. The petitioner's contention that he should be treated as Headmaster on 01.06.1988 as per G.O.1381 Education dated 05.10.1990 is not tenable since that G.O. has been cancelled and G.O.207 has taken this fact also into account, before passing the beneficial provisions.

9. It is respectfully submitted that the petitioner, though promoted as Headmaster on 04.07.1997 was granted Special Grade on that same date for pensionary benefits by the Government, the First respondent herein. The petitioner was already granted the benefit of counting the teacher's

service rendered before and after 01.06.1988 and treated that service as Headmaster for pension purposes and revised orders issued on 28.09.2010."

4. Hence, I am of the view that no further direction is necessary to the respondents to pass orders on the representation.

5. Recording paragraphs 6 to 9 of the counter affidavit filed by the second respondent, the writ petition stands closed. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St.George, Chennai - 600 009.
- 2.The Accountant General (A & E)
Anna Salai, Teynampet,
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- 3.The District Elementary Educational Officer,
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- 4.The Assistant Elementary Educational Officer,
Manamelkudi, Pudukottai District.

1 CC to the Government Pleader, SR.No. 19856

CA (CO)
PSI (21.04.2015)

W.P.No.19149 of 2012

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