



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2015

Coram

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD)No.16970 of 2015

RM.Meenakshi

:Petitioner

vs.

1.State of Tamil Nadu rep.by its
Secretary to the Government,
School Education Department,
Fort St.George,
Chennai - 9.

2.The Director of School Education,
Chennai.

3.The Chief Educational Officer,
Tanjore.

4.The District Educational Officer,
Pattukottai,
Tanjore District.

: Respondents

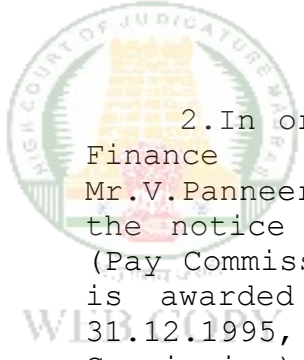
Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the respondents to fix the scale of pay to the petitioner, as per G.O.Ms.No.216, Finance (Pay Commission) Department, dated 22.03.1993 and to pay arrears of salary to the petitioner and confer all consequential benefits.

For Petitioner :Mr.V.Panneer Selvam,
For M/s.C.S.Associates

For Respondents :Mr.Aaiyuram K.Selvakumar
Government Advocate takes notice

O R D E R

This Writ Petition has been filed by RM.Meenakshi, wife of S.Bose, who was appointed as a Secondary Grade Teacher on 07.10.1968 at Paliyavanam Andavarayar Memorial Elementary School, Aranthangi and subsequently, she was posted at S.M.A. Middle School, Sittankadu on 15.07.1969. Again she was posted at Panchayat Union Elementary School, Vembankudi on 02.06.1980. While working as Secondary Grade Teacher, she was transferred to Government High School, Pinnavasal on 20.08.1996. In the meanwhile, she was awarded with selection grade on 26.10.1980 and also enjoyed the benefits of Special Grade on 26.10.1990. Subsequently, on reaching the age of superannuation on 31.05.2007, with 30 years of teaching service, retired from service. Therefore, the prayer in the petition is, she is entitled to get the benefits of G.O.Ms.No.216, Finance (Pay Commission) Department, dated 22.03.1993.



2. In order to bring the case of the petitioner under G.O.Ms.No.216, Finance (Pay Commission) Department, dated 22.03.1993, Mr.V.Panneerselvam, learned counsel appearing for the petitioner drawing the notice of this Court to paragraph 7(2) of G.O.Ms.No.216, Finance (Pay Commission) Department, dated 22.03.1993 submitted that if a teacher is awarded selection grade or special grade between 01.06.1988 and 31.12.1995, the benefits given in G.O.Ms.No.216, Finance (Pay Commission) Department, dated 22.03.1993 shall be made applicable to the cases of the Secondary Grade Teacher and other employees. Therefore, the petitioner, who was also serving as Secondary Grade Teacher and awarded with special Grade on 26.10.1990, should be allowed to get the benefits of said G.O.Ms.No.216.

3. Inviting the attention of this Court to the order passed by this Court in W.P(MD)No.14502 of 2015 etc., batch, dated 24.08.2015, the learned counsel appearing for the petitioner submitted that a direction may be given to extend the benefits to the teacher, as per the above said Government Order, for re-fixation and reimbursement of arrears of salary.

4. Mr.Aayirum K.Selvakumar, learned Government Advocate takes notice for the respondents.

5. While the petitioner was serving in the Panchayat Union Elementary School, Veppengudi, awarded with Selection Grade on 26.10.1980 and also awarded with special grade 26.10.1990. The petitioner finally retired from service on 31.05.2007 by rendering 30 years of teaching service. While dealing with an identical issue in W.P(MD)No.14502 of 2015 etc., batch, dated 24.08.2015, I have passed allowed the prayer. The relevant portion of the order reads as follows:-

"8. The common grievance of the petitioners is that they are entitled to get the benefit of G.O.Ms.No.62, Finance (CMPC) Department, dated 09.03.2015. In this regard it is relevant to extract the relevant portion of the said G.O., as follows:-

7) Accordingly, the following amendment is issued to para 3 (ii) of the Government Order fourth read above:-

(1) In respect of Secondary Grade Teachers in High Schools/ Higher Secondary Schools there is no promotion post for them. Whereas, there is a promotion post for the Secondary Grade Teachers in Primary Schools viz. Primary School Headmaster which envisages the restrictive proviso in para-4 of G.O.Ms.No.304, Finance (PC) Department, dated 28.3.1990. As a measure of uniformity in the Selection Grade/ Special Grade scales of pay of Secondary Grade Teachers Government directed that the Secondary Grade Teachers in all schools be made eligible for the Selection Grade/Special Grade Scales of pay as indicated in the Annexure-I to the Government Order third read above.

Subsequently, for the reasons that the Secondary Grade Teachers in the High Schools and Higher Secondary Schools are not able to get promotion as a measure of uniformity in the Selection Grade/ Special Grade scales of pay of Secondary Grade Teachers, Government had directed that the Secondary Grade Teachers in all schools be made eligible for the Selection Grade/Special Grade Scales of pay as indicated in the Annexure-I to the above



Government Order, namely, G.O.Ms.No.62, Finance (CMPC) Department, dated 09.03.2015. In this background when similarly placed persons approached this Court seeking the benefit of the G.O.Ms.No.62, Finance (CMPC) Department, dated 09.03.2015, the Hon'ble Division Bench of this Court while disposing of the batch of writ appeals in W.A(MD)Nos.351 of 2014 etc., by an order dated 04.06.2015 passed the following order:-

"2. Government have issued G.O.Ms.No.62, Finance (CMPC) Department, dated 09.03.2015 revising scales of pay for Selection Grade/Special Grade, which is reproduced hereunder:-

	Pre-revised scale of pay (01-01-1996)	Revised scale of pay (01.01.2006)
Secondary Grade Teacher	4500-7000	5200-20200+ Grade Pay of Rs.2800
Headmaster Primary School	5300-8300	9300-34800 + Grade Pay of Rs.4300

3. After verifying the averments made in the Writ Appeal/Writ Petitions, Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the State, submitted that in all the cases mentioned above (249 cases), Teachers are eligible to the benefits conferred by the said Government Order.

4. In the light of the above, the Government and official respondents are directed to extend the benefits to the Teachers as per the above said Government Order. Re-fixation and disbursement of arrears of salary shall be done, within a period of four months from the date of receipt of a copy of this order, after due verification of the service particulars of the Teachers. All the Writ Petitions/Writ Appeals/ Review Application are disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed."

6. In the light of the above order, the writ petition is disposed of, directing the respondents to extend the benefit of the said G.O.Ms.No.216, Finance (Pay Commission) Department, dated 22.03.1993, to the petitioner. Needless to mention that re-fixation and disbursement of arrears of salary shall also be done within a period of four weeks from the date of receipt of a copy of this order, on verification of the certificate particulars of the petitioner. No costs.

Sd/-

The Assistant Registrar(AE)

/True copy/

Sub-Assistant Registrar



To

1.The Secretary to the Government,
State of Tamil Nadu
School Education Department,
Fort St.George,
Chennai - 9.

2.The Director of School Education,
Chennai.

3.The Chief Educational Officer,
Tanjore.

4.The District Educational Officer,
Pattukottai,
Tanjore District.

+1cc to M/s.C.S.Associates in SR.No.55571/15

mpk

sm:GSV-PM:07.10.2015:2P/6c

W.P. (MD) No.16970 of 2015
18.09.2015