



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2015

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CORAM:

THE HONOURABLE MR. JUSTICE V. RAMASUBRAMANIAN
AND
THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P(MD) Nos. 6602 to 6653, 7083, 7874, 9029 of 2014,
W.A. (MD) Nos. 1190, 1192, 1193, 1196, 1198 of 2013,
770, 774, 783, 795 and 808 of 2014
and

M.P(MD) Nos. 1 and 2 of 2013 in each WA(MD) Nos. 1190, 1192, 1193, 1196
and 1198 of 2013, MP(MD) Nos. 2 to 4 of 2014 in each WA(MD)
Nos. 770, 774, 783 and 795/14, MP(MD) Nos. 2 and 3 of 2014 in WA(MD)
No. 808 of 2014 and MP(MD) No. 1 of 2014 in WP(MD) No. 7083 of 2014

S. SHUNMUGAVADIVOO	...	PETITIONER	in WP(MD)	No. 6602	of 2014
C. VARADARAJAN	...	PETITIONER	in WP(MD)	No. 6603	of 2014
E. RAMAKRISHNAN	...	PETITIONER	in WP(MD)	No. 6604	of 2014
V. MUTHUPANDY	...	PETITIONER	in WP(MD)	No. 6605	of 2014
G. AUGUSTA MANGALAM LEELAVATHI	...	PETITIONER	in WP(MD)	No. 6606	of 2014
C. DEVAKI	...	PETITIONER	in WP(MD)	No. 6607	of 2014
D. V. DELCY	...	PETITIONER	in WP(MD)	No. 6608	of 2014
I. GNANA THEEBAM MENORAH	...	PETITIONER	in WP(MD)	No. 6609	of 2014
P. KAMALA STELLABAI	...	PETITIONER	in WP(MD)	No. 6610	of 2014
D. ELIZABETH	...	PETITIONER	in WP(MD)	No. 6611	of 2014
D. NALLAIAH	...	PETITIONER	in WP(MD)	No. 6612	of 2014
P. SAROJINI PANDIAN	...	PETITIONER	in WP(MD)	No. 6613	of 2014
G. PITCHAI JEBARAJ	...	PETITIONER	in WP(MD)	No. 6614	of 2014
C. DANIEL RAJAKUMAR SELWYNDURAI	...	PETITIONER	in WP(MD)	No. 6615	of 2014
K. EBENEZER	...	PETITIONER	in WP(MD)	No. 6616	of 2014
P. RAJENDRAN	...	PETITIONER	in WP(MD)	No. 6617	of 2014
J. VANAJA KUMARI	...	PETITIONER	in WP(MD)	No. 6618	of 2014
S. G. HEPZIBAH	...	PETITIONER	in WP(MD)	No. 6619	of 2014
D. DEVAKIRUBAI MANORANJITHAM	...	PETITIONER	in WP(MD)	No. 6620	of 2014
C. NANCYRANI	...	PETITIONER	in WP(MD)	No. 6621	of 2014
M. KASTHURI DEVAKANI ELIAS	...	PETITIONER	in WP(MD)	No. 6622	of 2014
S. AVUDAIAPPAN	...	PETITIONER	in WP(MD)	No. 6623	of 2014
M. DARLING MANUEL	...	PETITIONER	in WP(MD)	No. 6624	of 2014
S. D. NAGARAJAN	...	PETITIONER	in WP(MD)	No. 6625	of 2014
A. SAMVEL PAUL DURAI	...	PETITIONER	in WP(MD)	No. 6626	of 2014
J. HELEN JULIE BAI	...	PETITIONER	in WP(MD)	No. 6627	of 2014
E. S. GOMATHI NAYAGAM	...	PETITIONER	in WP(MD)	No. 6628	of 2014
A. PRENUS P. RAYEN A	...	PETITIONER	in WP(MD)	No. 6630	of 2014



M. PHILIP LOURDU SAMY	... PETITIONER in WP(MD) No.6631 of 2014
V.SHANMUGAM	... PETITIONER in WP(MD) No.6632 of 2014
J. KOTTASAMY	... PETITIONER in WP(MD) No.6633 of 2014
R. JAYARAJ MUTHUSAMY	... PETITIONER in WP(MD) No.6634 of 2014
V.SUGIRTHAM	... PETITIONER in WP(MD) No.6635 of 2014
L. SUBBIAH	... PETITIONER in WP(MD) No.6636 of 2014
S. RATHINAVELAMMAL	... PETITIONER in WP(MD) No.6637 of 2014
K.MUTHAIYA	... PETITIONER in WP(MD) No.6638 of 2014
I. MUNIYANDI	... PETITIONER in WP(MD) No.6639 of 2014
D. VIJAYKUMAR DAVIDSON	... PETITIONER in WP(MD) No.6640 of 2014
R.IYADURAI	... PETITIONER in WP(MD) No.6641 of 2014
P. KANAGARAJ	... PETITIONER in WP(MD) No.6642 of 2014
P. CHELLPPA	... PETITIONER in WP(MD) No.6643 of 2014
D.AUGUSTINE	... PETITIONER in WP(MD) No.6644 of 2014
M. SOLAISAMY	... PETITIONER in WP(MD) No.6645 of 2014
P. RAJAMMAL	... PETITIONER in WP(MD) No.6646 of 2014
N.NAMA SIVAYAM	... PETITIONER in WP(MD) No.6647 of 2014
K. RAJAMMAL	... PETITIONER in WP(MD) No.6648 of 2014
T. RAJA SUNDARI	... PETITIONER in WP(MD) No.6649 of 2014
A.LEELA GRACELIN	... PETITIONER in WP(MD) No.6650 of 2014
R. THERESIA INDRANI	... PETITIONER in WP(MD) No.6651 of 2014
T. ANANDARAJ	... PETITIONER in WP(MD) No.6652 of 2014
P.KASIPANDIAN	... PETITIONER in WP(MD) No.6653 of 2014
S. SUBRAMANIAN	... PETITIONER in WP(MD) No.7083 of 2014
MARIAMMAL GETSIE BEULAH	... PETITIONER in WP(MD) No.7874 of 2014
M. ROMALA KASTHURIBAI	... PETITIONER in WP(MD) No.9029 of 2014

1 THE STATE OF TAMIL NADU,
REP BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
FORT ST GEORGE, CHENNAI - 600 009.

2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-6.

3 THE CHIEF EDUCATIONAL OFFICER,
MADURAI-2.

4 THE DISTRICT EDUCATIONAL OFFICER,
MADURAI-2.

5 THE HEADMASTER
GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL
SHOLAVANDAN-14.

... APPELLANTS/RESPONDENTS
in WA(MD) No.1190 of 2013

1 THE STATE OF TAMIL NADU,
REP BY ITS PRINCIPAL SECRETARY TO GOVERNMENT ,
SCHOOL EDUCATION DEPARTMENT,
FORT ST.GEORGE, CHENNAI - 600 009.



2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD CHENNAI-6.

3 THE CHIEF EDUCATIONAL OFFICER,
MADURAI-2.

4 THE DISTRICT EDUCATIONAL OFFICER,
MADURAI-2.

5 THE HEADMASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
SAMAYANALLUR,
MADURAI DISTRICT.

... APPELLANTS/RESPONDENTS
in WA(MD) No.1192 of 2013

1 THE STATE OF TAMIL NADU,
REP BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
FORT ST.GEORGE, CHENNAI - 600 009.

2 STATE OF TAMIL NADU,
REP BY ITS SECRETARY, DEPARTMENT OF FINANCE,
SECRETARIAT, FORT ST.GEORGE, CHENNAI.

3 THE ACCOUNTANT GENERAL,
NO.261 ANNASALAI,
THEYNAMPET, CHENNAI-18.

4 THE CHIEF EDUCATIONAL OFFICER
O/O. THE CHIEF EDUCATIONAL OFFICE, MADURAI.

5 THE HEADMISTRESS,
GOVERNMENT HIGHER SECONDARY SCHOOL,
SAMAYANALLUR,
MADURAI DISTRICT.

... APPELLANTS/RESPONDENTS
in WA(MD) No.1193 of 2013

1 THE STATE OF TAMIL NADU,
REP BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
FORT ST.GEORGE, CHENNAI - 600 009.

2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-6.

3 THE CHIEF EDUCATIONAL OFFICER,
MADURAI-2.

4 THE DISTRICT EDUCATIONAL OFFICER,
MADURAI-2.



5 THE HEADMASTER,
U.C.HIGHER SECONDARY SCHOOL,
MADURAI-1. ... APPELLANTS/RESPONDENTS
in WA(MD) No.1196 of 2013

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- 1 THE STATE OF TAMIL NADU,
REP BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
FORT ST.GEORGE, CHENNAI - 600 009.
- 2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-6.
- 3 THE CHIEF EDUCATIONAL OFFICER,USILAMPATTAI
MADURAI-2.
- 4 THE DISTRICT EDUCATIONAL OFFICER,
MADURAI-2.
- 5 THE HEADMASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
THIRUMANGALAM,
MADURAI DISTRICT. ... APPELLANTS/RESPONDENTS
in WA(MD) No.1198 of 2013

- 1 THE STATE OF TAMIL NADU,
REP.BY THE SECRETARY TO GOVERNMENT,
FINANCE (PAY CELL) DEPARTMENT,
FORT ST.GEORGE,CHENNAI-600 009.
- 2 THE STATE OF TAMIL NADU,
REP.BY THE SECRETARY TO GOVERNMENT,
EDUCATION DEPARTMENT,
FORT ST.GEORGE CHENNAI-600 009.
- 3 THE DIRECTOR OF SCHOOL EDUCATION,
(HIGHER SECONDARY), COLLEGE ROAD,
CHENNAI-600 006.
- 4 THE DISTRICT EDUCATIONAL OFFICER,
PUDUKOTTAI,
PUDUKOTTAI DISTRICT. ... APPELLANTS/RESPONDENTS
in WA(MD) No.770,774,783, 795, 808 of 2014

-VS-

- 1 STATE OF TAMIL NADU
REP BY THE SECRETARY TO GOVERNMENT,
FINANCE (PAY CELL) DEPARTMENT,
FORT.ST.GEORGE CHENNAI 9



2 THE DIRECTOR OF SCHOOL EDUCATION,
(HIGH SECONDARY) NUNGAMBAKKAM,
COLLEGE ROAD,
CHENNAI -6.

... RESPONDENTS 1 & 2 IN WP(MD) NO.6602 TO
6653/2014

3 THE CHIEF EDUCATIONAL OFFICER,
TIRUNELVELI, TIRUNELVELI DISTRICT.

4 THE DISTRICT EDUCATIONAL OFFICER,
TIRUNELVELI,
TIRUNELVELI DISTRICT. ... RESPONDENTS 3 & 4 in WP(MD) No.6602
TO 6642/2014

3 THE CHIEF EDUCATIONAL OFFICER,
TUTICORIN, TUTICORIN DISTRICT.

4 THE DISTRICT EDUCATIONAL OFFICER,
TUTICORIN,
TUTICORIN DISTRICT. ... RESPONDENTS 3 & 4 in WP(MD) No.6643
TO 6652/2014

1 THE CHIEF EDUCATIONAL OFFICER,
KARUR, KARUR DISTRICT.

2 THE DISTRICT EDUCATIONAL OFFICER,
KARUR,
KARUR DISTRICT. ... RESPONDENTS 3 & 4 in WP(MD) No.6653/2014

1 STATE OF TAMIL NADU,
REP BY PRINCIPAL SECRETARY,
SCHOOL EDUCATION DEPARTMENT,
SECRETARIAT, CHENNAI-9.

2 THE DIRECTOR OF SCHOOL EDUCATION,
OFFICE OF THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI -6.

3 THE CHIEF EDUCATIONAL OFFICER,
DINDIGUL DISTRICT, DINDIGUL.

4 THE DISTRICT EDUCATIONAL OFFICER,
DINDIGUL DISTRICT, DINDIGUL.

5 THE HEADMASTER,
NAGAMMAL MEMORIAL HIGH SCHOOL,
THANDIKUDI POST, KODAIKANAL,
DINDIGUL DISTRICT

... RESPONDENTS in WP(MD) No.7083 of 2014



1 THE GOVERNMENT OF TAMIL NADU,
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE CHENNAI - 9.

2 THE DIRECTOR OF SCHOOL EDUCATION,
CHENNAI.

3 THE CHIEF EDUCATIONAL OFFICER,
TIRUNELVELI.

4 THE DISTRICT EDUCATIONAL OFFICER,
TIRUNELVELI.

5 MARY SARGENT GIRLS HIGHER SECONDARY SCHOOL,
REP. BY ITS CORRESPONDENT,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT. ... RESPONDENTS in WP(MD) No.7874 AND
9029 of 2014

K.JEYALAKSHMI	...	RESPONDENT in WA(MD) No.1190 of 2013
KASTHURI KALANITHI		
CHARLES	...	SOLE RESPONDENT in WA(MD) No.1192 of 2013
K.VEERAMMAL	...	SOLE RESPONDENT in WA(MD) No.1193 of 2013
P.JEYARAJ	...	SOLE RESPONDENT in WA(MD) No.1196 of 2013
A.ANNIE FLORENCE	...	SOLE RESPONDENT in WA(MD) No.1198 of 2013
V.E.MUTHUVAIRAVAN	...	SOLE RESPONDENT in WA(MD) No.770 of 2014
M.RAJARAM	...	SOLE RESPONDENT in WA(MD) No.774 of 2014
A.SUBRAMANIAN	...	SOLE RESPONDENT in WA(MD) No.783 of 2014
M.NEELAVATHI	...	SOLE RESPONDENT in WA(MD) No.795 of 2014
R.JOSEPH	...	SOLE RESPONDENT in WA(MD) No.808 of 2014

COMMON PRAYER IN WP(MD)NOS.6602 TO 6653/2014 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to extend the benefit of G.O. Ms.No.216, Finance (PC) Department dated 22.03.1993 and G.O.Ms.No.270, Finance (PC) Department dated 26.08.2010 in the light of the orders of the Honourable Division Bench in WP.No.8747 of 2009 dated 14.07.2009 confirmed by the Honourable Apex Court in CC No.2746/2010 dated 23.04.2010 and according award Selection/Special Grade Scale of pay in the post of elementary school headmaster with effect from 01.06.1988 and revision of pensioner benefits and pay arrears immediately to the petitioners.

Prayer in WP(MD) No.7083 of 2014:

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorafied Mandamus for the records pertaining to the impugned paragraph 6(IV) of the G.O.(Ms)No.69 school education (M1) Department dated 18/04/2013 on the file of the Respondent No. 1



and quash the same as illegal and consequently for a direction, directing the Respondent No. 1 to sanction the selection Grade/Special Grade pay in the Headmaster cadre to the petitioner along with other eligible teachers and disburse the eligible monetary benefits and arrears to the petitioner within the time period stipulated by this Hon ble Court.

Common Prayer in WP(MD) No.7874 and WP(MD)No.9029 of 2014:

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to extend the benefit of G.O. Ms. No.216 Finance (Pay Cell) Department dated 22.03.1993 and award Selection / special Grade Scale of Pay of Primary School Headmaster with effect from 01.06.1988 and consequently revise the pensionary benefits and pay arrears of pension to the petitioner, within a time frame fixed by this Honourable Court in the light of the order passed by this Honourable Court in W.P. No. 17187 of 2003 dated 28.11.2007 and W.P. Nos 8747 of 2009 dated 14.07.2009 and the Honourable Apex Court in S.L.P. (C.C. No. 2746 of 2010 dated 23.04.10 and the G.O. Ms. No. 258 School Education Department, dated 06.09.2010.

Prayer in WA(MD) No.1190 of 2013:

Writ Appeal filed under clause 15 of Letter Patent praying this Court, to prefer the memorandum of grounds of the Writ Appeal before this Honourable Court against the order dated 20.12.2011 passed by the Honourable Court made in WP.(MD).No.9714/2011.

Prayer in WP(MD). 9714/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ of Mandamus, directing the respondents to extend to the petitioner the benefit of G.O.Ms.No. 258 School Education (M.1) Department dated 06.09.2010 which was implemented in pursuance of the order dated 14.07.2009 of the Hon ble Division Bench in W.P.No. 8747 of 2009 with in a stipulated period and to pass such further or other orders as this Hon ble Court may deem fit.

Prayer in WA(MD) No.1192 of 2013:

Writ Appeal filed under clause 15 of Letter Patent praying this Court, to prefer the memorandum of grounds of the Writ Appeal before this Honourable Court against the order dated 20.12.2011 passed by the Honourable Court made in WP.(MD).No.9718/2011.

Prayer in WP(MD). 9718/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ of Mandamus, directing the respondents to extend to the petitioner the benefit of G.O.Ms.No. 258 School Education (M.1) Department dated 06.09.2010 which was implemented in pursuance of the order



dated 14.07.2009 of the Hon ble Division Bench in W.P.No. 8747 of 2009 with in a stipulated period and to pass such further or other orders as this Hon ble Court may deem fit.

Prayer in WA(MD) No.1193 of 2013:

Writ Appeal filed under clause 15 of Letter Patent praying this Court, to prefer the memorandum of grounds of the Writ Appeal before this Honourable Court against the order dated 20.12.2011 passed by the Honourable Court made in WP.(MD).No.9796/2011.

Prayer in WP(MD). 9796/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the Impugned Order in PEN 20/III/12004838/11-12/RN/ADK CLOSED on the file of the Respondent No.2 and quash the same as illegal and consequently direct the Respondent NO.2 to disburse the proposed revised scale of pay in accordance with the G.O.Ms.No. 216 of 1993 dated 22.03.1993 whtin the time period stipulated by this Hon ble Court.

Prayer in WA(MD) No.1196 of 2013:

Writ Appeal filed under clause 15 of Letter Patent praying this Court, to prefer the memorandum of grounds of the Writ Appeal before this Honourable Court against the order dated 20.12.2011 passed by the Honourable Court made in WP.(MD).No.10872//2011.

Prayer in WP(MD). 10872/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to extend to the petitioner the benefit of G.O.Ms.No.258 Education (M.1) Department dated 06.09.2010 which was implemented in pursuance of the order datd 14.07.2009 of the Honourable Division Bench in W.P.No.8747 of 2009 within a stipulated period.

Prayer in WA(MD) No.1198 of 2013:

Writ Appeal filed under clause 15 of Letter Patent praying this Court, to prefer the memorandum of grounds of the Writ Appeal before this Honourable Court against the order dated 20.12.2011 passed by the Honourable Court made in WP.(MD).No.10878//2011.

Prayer in WP(MD). 10878/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to extend to the petitioner the benefit of G.O.Ms.No.258 Education (M.1) Department dated 06.09.2010 which was implemented in pursuance of the order datd



14.07.2009 of the Honourable Division Bench in W.P.No.8747 of 2009 within a stipulated period.

Prayer in WA(MD) No.770 of 2014:

Writ Appeal filed under clause 15 of Letter Patent praying this Court, to prefer the following Memorandum of grounds of Writ Appeal as against the order passed by the Honourable Court dated 22.12.2011 in W.P.No.15069 of 2011.

Prayer in WP(MD). 15069/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To call for the records on the file of the 2nd Respondent in connection with the order passed by her in her proceedings in Letter No.39631/M1/2011, dated 04.07.2011 & quash the same & direct the Respondents to pay the monthly benefits as per the Order passed by the 1st Respondent in G.O.Ms.No.216 Finance (Pay Cell) Dept., dt. 22-03-93, 270, Finance (PC) Dept., dt. 26-08-10 & also as per the Order of the Honourable Division Bench in W.P.No.17187 of 2003 dt. 28-11-07 confirmed by the Honourable Apex Court in SLP.Civil CC.No.2746 of 2010 dt. 23-04-2010 forthwith with effect from the date of eligibility for the Selection Grade and the consequential Special Grade with all monetary and service benefits by .

Prayer in WA(MD) No.774 of 2014:

Writ Appeal filed under clause 15 of Letter Patent praying this Court, to prefer the following Memorandum of grounds of Writ Appeal as against the order passed by the Honourable Court dated 22.12.2011 in W.P.No.15059 of 2011.

Prayer in WP(MD). 15059/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To call for the records on the file of the 2nd Respondent in connection with the order passed by her in her proceedings in Letter No.39631/M1/2011, dated 15-04-11 & quash the same & direct the Respondents to pay the monthly benefits as per the Order passed by the 1st Respondent in G.O.Ms.No.216 Finance (Pay Cell) Dept., dt. 22-03-93, 270, Finance (PC) Dept., dt. 26-08-10 & also as per the Order of the Honourable Division Bench in W.P.No.17187 of 2003 dt. 28-11-07 confirmed by the Honourable Apex Court in SLP.Civil CC.No.2746 of 2010 dt. 23-04-2010 forthwith with effect from the date of eligibility for the Selection Grade and the consequential Special Grade with all monetary and service benefits by ..

Prayer in WA(MD) No.783 of 2014:

Writ Appeal filed under clause 15 of Letter Patent praying this Court, to prefer the memorandum of grounds of Writ Appeal as against the order passed by the Honourable Court dated 22.12.2011 in WP.(MD).No.15109/2011.



Prayer in WP(MD). 15109/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To call for the records on the file of the 2nd Respondent in connection with the order passed by her in her proceedings in Letter No.39631/M1/2011, dated 15-04-11 & quash the same & direct the Respondents to pay the monthly benefits as per the Order passed by the 1st Respondent in G.O.Ms.No.216 Finance (Pay Cell) Dept., dt. 22-03-93, 270, Finance (PC) Dept., dt. 26-08-10 & also as per the Order of the Hon ble Division Bench in W.P.No.17187 of 2003 dt. 28-11-07 confirmed by the Hon ble Apex Court in SLP.Civil CC.No.2746 of 2010 dt. 23-04-2010 forthwith with effect from the date of eligibility for the Selection Grade and the consequential Special Grade with all monetary and service benefits by issuing a WRIT.

Prayer in WA(MD) No.795 of 2014:

Writ Appeal filed under clause 15 of Letter Patent praying this Court, to prefer the memorandum of grounds of Writ Appeal as against the order passed by the Honourable Court dated 22.12.2011 in WP.(MD).No.15079/2011.

Prayer in WP(MD). 15079/ 2011 :

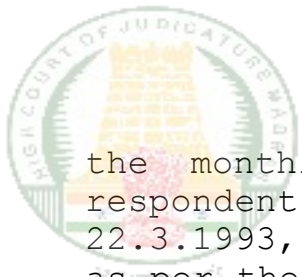
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To call for the records on the file of the 2nd Respondent in connection with the order passed by her in her proceedings in Letter No.39631/M1/2011, dated 15.04.2011 & quash the same & direct the Respondents to pay the monthly benefits as per the Order passed by the 1st Respondent in G.O.Ms.No.216 Finance (Pay Cell) Dept., dt. 22-03-93, 270, Finance (PC) Dept., dt. 26-08-10 & also as per the Order of the Hon ble Division Bench in W.P.No.17187 of 2003 dt. 28-11-07 confirmed by the Hon ble Apex Court in SLP.Civil CC.No.2746 of 2010 dt. 23-04-2010 forthwith with effect from the date of eligibility for the Selection Grade and the consequential Special Grade with all monetary and service benefits by issuing a WRIT.

Prayer in WA(MD) No.808 of 2014:

Writ Appeal filed under clause 15 of Letter Patent praying this Court, to prefer the following Memorandum of grounds of Writ Appeal as against the order passed by the Honourable Court dated 06.06.2012 in W.P.(MD)No.4871 of 2012.

Prayer in WP(MD). 4871/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To call for the records on the file of the second respondent in connection with the Order passed by her in her proceedings in Letter No.39631/M1/2011 dated 15.04.2011 and quash the same and direct the respondents to pay



the monthly benefits as per the Order passed by the first respondent in G.O. Ms.No.216 Finance (Pay Cell) Department dated 22.3.1993, 270, Finance (PC) Department dated 26.08.2010 and also as per the Order of the Honourable Division Bench in W.P. No.17187 of 2003 dated 28.11.2007 confirmed by the Honourable Apex Court in SLP. Civil CC.No.2746 of 2010 dated 23.04.2010 forthwith w.e.f. the date of eligibility for the Selection Grade and the consequential Special Grade with all monetary.

For Petitioner ... Mr.K.M.Boopathy
In WP(MD)No.6602/2014 to
6653/2014

For Petitioner ... Mr.T.Lajapathi Roy
In WP(MD)No.7083/2014

For Petitioner ... Mr.R.Subramanian
In WP(MD)No.7874 & 9029/2014

For Respondents in all
WPs Except WA(MD)Nos.770,
774,783, 795/2014 and for
Appellants in ... Mr.VR.Shanmuganathan
all Writ Appeals. Special Govt.Pleader

For Sole Respondent in
WA(MD)Nos.770,774,783,795/2014.. Mr.V.Karthikeyan

COMMON ORDER

(Order of the Court was made by V.RAMASUBRAMANIAN,J.)

The issue involved in all these Writ Petitions as well as Writ Appeals is no longer *res intergra*. This Court in W.P.(MD) No.7061 of 2011 etc.batch, dated 10.12.2015, has elaborately considered the issue in question and dismissed the claim of the petitioners therein. The operative portion of the said judgment is usefully extracted below:-

"13.The short question that arises for consideration in all these cases is whether the petitioners are entitled to the benefit of G.O.Ms.No.216, Finance(Pay Cell) Department, dated 22.03.1993 and if so, to what extent.

14.Since the question in entirety revolves around the Government Order, we have already extracted Paragraph 3 of the order in an earlier paragraph. Insofar as the Secondary Grade Teachers are concerned, paragraph 3(ii) of



G.O.Ms.No.216 is what relates to them. The said paragraph shows that there was no promotion posts for the Secondary Grade Teachers in High Schools as on 28.03.1990, although there is promotion posts in Primary Schools. But, nevertheless, the Government stated that teachers will be eligible for selection and special grade only as per Annexure-I of the Government Order in G.O.Ms.No.304, Finance (Pay Commission) Department, dated 28.03.1990. Annexure-I of G.O.Ms.No.304, contained a tabulation which reads as follows:

"ANNEXURE -I

REVISED SELECTION GRADE/SPECIAL GRADE SCALES OF PAY

Ordinary Grade	Selection Grade	Special Grade
750-945	800-1150	825-1200
775-1030	825-1200	825-1500
800-1150	950-1500	975-1660
825-1200	950-1200	975-1660
950-1500	1200-2040	1320-2040
975-1660	1200-2040	1320-2200
1100-1660	1320-2040	1350-2200
1200-2040	1400-2600 (A)	1640-2900
1320-2040	1400-2600 (A)	1640-2900
1350-2200	1600-2660	1820-3200
1400-2600	1640-2900 (B)	2000-3200
1600-2600	2000-3200	2200-4000
1640-2900	2000-3200	2000-4000
1820-3200	2200-4000	2500-4200
2000-3200	2200-4000	2500-4200
2000-3500	2500-4200	3000-4500
2200-4000	2500-4200	3000-4500
2500-4200	3000-4500	3700-5000

15.The post of Secondary Grade Teacher carry ordinary scale of pay of Rs.1200-2040. Therefore, it fell under Sl.No.8 of the above Table. As a consequence, the selection grade scale of pay for the posts was Rs.1400-2000, the Special Grade Scale of Pay was Rs.1640-2900. But, unfortunately, the teachers started thinking that



they would be entitled to selection grade scale of pay of Rs.1640-2900 and special grade pay of Rs.2000-3200. That was never the purport of G.O.Ms.No.304 and 216.

16. One more reason as to why the petitioners cannot have any of the benefits is that they were not even Secondary Grade Teachers. The Secondary Grade Teachers themselves came up with a mistaken impression. Taking clue from them, teachers who were Special Teachers and Physical Education Teachers started having a jolly ride on the back of the Secondary Grade Teachers, at the cost of the exchequer.

17. It is also stated that the Government had already passed a Government Order in G.O.Ms.No.62, Finance (CMPC) Department, 09.03.2015, and that therefore the petitioners are entitled to the benefit of the said Government Order. However, it is stated by the learned Special Government Pleader that the Government is already considering a proposal to withdraw the said Government Order. Strong reliance is placed upon paragraph 7(2) of the Government Order in G.O.Ms.No.62, Finance (CMPC) Department, dated 09.03.2013. In our opinion, G.O.Ms.No.62 itself is thoroughly misconceived. We wonder as to why G.O.62 has not so far been revoked by the Government. We direct the respondents to pass orders, at the earliest.

18. Apart from the above, the petitioners are guilty of delay and laches. These writ petitions are filed mostly after 19 to 23 years of the Government Order. The contention that the Government Servants have a continuing cause of action is wholly misconceived.

19. Therefore, in the light of the law laid down by the Supreme Court, all the writ petitions deserve to be dismissed and accordingly dismissed."

2. Following the above orders, the Writ Petitions are dismissed and Writ Appeals are allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.ecourts.gov.in/hcservices/>

1. THE ACCOUNTANT GENERAL, NO.261, ANNASALAI,
THEYNAMPET, CHENNAI-18.



2. THE SECRETARY TO GOVERNMENT, THE STATE OF TAMIL NADU,
FINANCE (PAY CELL) DEPARTMENT, FORT ST. GEORGE, CHENNAI-600 009.

3. THE SECRETARY TO GOVERNMENT,
THE STATE OF TAMIL NADU, EDUCATION DEPARTMENT,
FORT ST. GEORGE CHENNAI-600 009.

4 THE SECRETARY, STATE OF TAMIL NADU,
DEPARTMENT OF FINANCE, SECRETARIAT, FORT ST. GEORGE, CHENNAI.

5. THE PRINCIPAL SECRETARY TO GOVERNMENT,
THE STATE OF TAMIL NADU, SCHOOL EDUCATION DEPARTMENT,
FORT ST. GEORGE, CHENNAI - 600 009.

6. THE DIRECTOR OF SCHOOL EDUCATION,
(HIGH SECONDARY) NUNGAMBAKKAM, COLLEGE ROAD, CHENNAI -6.

7. THE DIRECTOR OF SCHOOL EDUCATION, COLLEGE ROAD, CHENNAI-6.

8. THE CHIEF EDUCATIONAL OFFICER,
TIRUNELVELI, TIRUNELVELI DISTRICT.

9 THE CHIEF EDUCATIONAL OFFICER,
TUTICORIN, TUTICORIN DISTRICT.

10. THE CHIEF EDUCATIONAL OFFICER,
KARUR, KARUR DISTRICT.

11. THE CHIEF EDUCATIONAL OFFICER,
DINDIGUL, DINDIGUL DISTRICT.

12. THE CHIEF EDUCATIONAL OFFICER,
MADURAI, MADURAI DISTRICT.

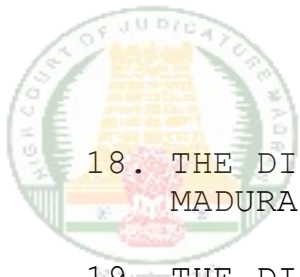
13. THE CHIEF EDUCATIONAL OFFICER,
PUDUKKOTTAI, PUDUKKOTTAI DISTRICT.

14. THE DISTRICT EDUCATIONAL OFFICER,
TIRUNELVELI, TIRUNELVELI DISTRICT.

15. THE DISTRICT EDUCATIONAL OFFICER,
TUTICORIN, TUTICORIN DISTRICT.

16. THE DISTRICT EDUCATIONAL OFFICER,
KARUR, KARUR DISTRICT.

17. THE DISTRICT EDUCATIONAL OFFICER,
DINDIGUL, DINDIGUL DISTRICT.



18. THE DISTRICT EDUCATIONAL OFFICER,
MADURAI, MADURAI DISTRICT.

19. THE DISTRICT EDUCATIONAL OFFICER,
PUDUKKOTTAI, PUDUKKOTTAI DISTRICT.

20. THE DISTRICT EDUCATIONAL OFFICER, USILAMPATTI, MADURAI.

21. THE HEADMASTER, GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
SHOLAVANDAN-14.

22. THE HEADMASTER, GOVERNMENT HIGHER SECONDARY SCHOOL,
SAMAYANALLUR, MADURAI DISTRICT.

23. THE HEADMISTRESS, GOVERNMENT HIGHER SECONDARY SCHOOL,
SAMAYANALLUR, MADURAI DISTRICT.

24. THE HEADMASTER, GOVERNMENT HIGHER SECONDARY SCHOOL,
THIRUMANGALAM, MADURAI DISTRICT.

+2CC TO MR.R.SUBRAMANIAN, ADVOCATE SR.NO.75893

+1CC TO MR.T.LAJAPATHI ROY, ADVOCATE SR.NO.76019

ssm

GJM/AAL/MPA/04.07.16-15P-28C

W.P (MD) Nos.6602 to 6653, 7083,
7874, 9029 of 2014,
W.A. (MD) .Nos.1190, 1192, 1193 1196,
1198 of 2013,
770,774, 783, 795 and 808 of 2014
21.12.2015