

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.13580 of 2013

R.Munusamy

.. Petitioner

Versus

- 1 The State of Tamil Nadu
Rep. By its Secretary,
Education Department,
Fort. St.George, Chennai 9.
- 2 The Director of Elementary Education,
DPI Complex, Nungambakkam,
Chennai 600 034.
- 3 The District Elementary Educational Officer,
Villupuram, Villupuram District.
- 4 The Additional Assistant Elementary Educational
Officer, Vanur at Thiruchitrambalam,
Villupuram District. .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents 1 and 2 to extend the benefits of the order passed in O.A.Nos.68/1997 and 177/97 dated 12.07.2002, confirmed by this Hon'ble Court in W.P.No.29264/2005 dated 21.02.2008 and G.O.Ms.No.210, dated 14.08.2009 based on the representation of the petitioner dated 05.04.2013.

For Petitioner : Mr.D.Arun
for M/s.A.R.Nixon

For Respondents : Mr.K.Balamurugan,
Government Advocate

O R D E R

The petitioner is a retired B.T.Headmaster seeking the benefit of the service rendered in the post of Secondary Grade Teacher and Headmaster in the Primary School, to be taken into account for the purpose of awarding Selection Grade and Special Grade posts.

2. Heard Mr.D.Arun learned Counsel for the petitioner and Mr.K.Balamurugan, learned Government Advocate appearing on behalf of the respondents.

3. According to the learned counsel for the petitioner, as per the order of the Tribunal in O.S.Nos.68/1997 and 177/1997 dated 12.07.2002, the entire period of service rendered prior to 01.06.1988 has to be considered for Selection Grade and Special Grade and ought to have fixed the Scale of pay. The learned counsel for the petitioner would further submit that the Government of Tamil Nadu has passed a G.O.Ms.No.210 dated 14.08.2009 by making it applicable only to the person who filed application before the Tribunal alone.

4. Since the petitioner's claims is also similar to that of the applicants before the Tribunal, he is also entitled to the benefits of the Tribunal order. The petitioner has made a representation to the fourth respondent on 05.04.2013 in this regard and the same is pending. The learned counsel would submit that he would be satisfied if his representation is considered by the fourth respondent within a time specified.

5. Heard the learned Government Advocate for the respondents who would also concur with the said submissions and would submit that the such directions, if given, would be complied with.

6. In such circumstances, there shall be an order to the 4th respondent to consider the petitioner's representation dated 05.04.2013, in the light of the order passed by the Tamil Nadu Administrative Tribunal in OA. No.68 /1997 and 177/1997 dated 12.07.2002 and in the light of G.O.Ms.No.210 dated 14.08.2009, on its own merits and pass orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

7. With the above observation the Writ Petition stands disposed of. No costs.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1 The Secretary,
Government of Tamil Nadu
Education Department,
Fort. St.George, Chennai 9.

- 2 The Director of Elementary Education,
DPI Complex, Nungambakkam,
Chennai 600 034.
- 3 The District Elementary Educational Officer,
Villupuram, Villupuram District.
- 4 The Additional Assistant Elementary Educational
Officer, Vanur at Thiruchitrambalam,
Villupuram District.

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