

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.06.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.2620 of 2016

1.V.Veeramani
2.N.Muniyappan
3.K.Malliga
4.M.A.Krishnasamy
5.V.L.Varadhan

.. Petitioners

Versus

1. The State Rep by its
The Secretary,
School Education Department,
Fort St. George,
Chennai-600009.
2. The Director of School Education
D.P.I.College Road,
Nungambakkam, Chennai-600006.
3. The District Elementary Educational Officer,
Vellore District.
4. The District Elementary Educational Officer
Thiruvannamalai District.
5. The Assistant Elementary Education Officer
Thimiri, Vellore District.
6. The Assistant Elementary Education Officer
Kaniyambadi, Vellore District.
7. The Assistant Elementary Educational Officer-II,
Chengam Block, Thiruvannamalai District. .. Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to dispose of the petitioner's representation dated 12.10.2015 in the light of G.O.Ms.No.347, School Education Department dated 15.09.1998 and award Secondary

Grade Assistant Scale of pay by counting petitioner's entire Higher Grade Services on par with Secondary Grade Scale of pay accordingly pay the revision of pension with all arrears to the petitioners.

For Petitioners : Mr.P.Murali

For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the the respondent to dispose of the petitioner's representation, dated 12.10.2015, in the light of G.O.Ms.No.347, School Education Department dated 15.09.1998 and award Secondary Grade Assistant Scale of pay by counting petitioners' entire Higher Grade Services on par with Secondary Grade Scale of pay and accordingly pay the revision of pension with all arrears to the petitioners.

3. The petitioners would state that they were initially appointed as higher grade teacher in various schools of Vellore District, subsequently absorbed as Secondary Grade Teachers. The Government of Tamil Nadu issued G.O.Ms.No.347 dated 15.09.1998, in which it is stated that the persons appointed prior to 01.01.1971 for the post of Secondary Grade teachers are to be eligible for the post of Secondary Grade Assistant and accordingly the scale of pay has been fixed and the arrears shall be issued to those persons.

4. It is further stated that earlier, the qualified Secondary Assistants had approached the Tamil Nadu Administrative Tribunal and sought for the relief of said G.O. by taking count of higher grade service for the purpose of fixation of Secondary Grade scale of pay. The Tamil Nadu Administrative Tribunal has granted the relief sought by those persons. As per the orders passed by the Tamil Nadu Administrative Tribunal, the Government of Tamil Nadu has sanctioned secondary grade scale of pay by counting entire revision and its connected arrears. Though the petitioners are also similarly placed persons, they have not been granted with the benefit of G.O.Ms.No.347 dated 15.09.1998. In this regard, the petitioners have made joint representation to the respondents on 12.10.2015 to the respondents. Since, no action

has been taken on the said representation the petitioners have come forward with this Writ Petition seeking for the aforesaid relief.

5. Mr.S.Gunasekaran, the learned Additional Government Pleader, who took notice for the respondents, has submitted that the date of appointment and date of retirement of the petitioners are different and the petitioners have retired long back and therefore it may not be possible for the respondents to consider the common representation as such submitted by the petitioners and hence the petitioners may be permitted to submit individual representation to the respondents and the respondents may be directed to consider the representations of the petitioners and pass orders, on merits and in accordance with law.

6. Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioners, directs the petitioners to give individual representation to the respondents 4 and 7, within a period of fifteen days from the date of receipt of a copy of this order and on receipt of the same, the respondents 4 and 7, are directed to consider the representation of the petitioners, and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.
arr

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Secretary,
School Education Department,
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Chengam Block, Thiruvannamalai District.

+ 1 cc to Mr.P.Murali, Advocate SR 31615

+ 1 cc to Govt.Pleader SR 31549

bvr(co)
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