

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.33917 of 2016

1.C.Mohanan
2.S.Paulraj

... Petitioners

Vs.

1 The State of Tamil Nadu
Rep by its Secretary to Government
Adi Dravida and Tribal Welfare Department,
Fort St George,
Chennai – 600 009.

2 The Director of Adi Dravida and Tribal Welfare Department
Chepauk, Chennai – 600 006.

3 The Special Tashildhar
Sriperumbudhur,
Kancheepuram District.

4 The Special Tashildhar
Poonamallee,
Thiruvallur District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 25.06.2016 to extent the benefit of the G.O.Ms.No.234 School Education (G2) Department in so far as the petitioner is concerned and accordingly to award selection/Special Grade scale of pay in the post of Elementary school Head Master by

taking count of their lower cadre secondary Grade Assistant Service as given to the 63 persons is concerned.

For Petitioners : Mr.J.C.Durairaj
For Respondents : Mr.A.Zakir Hussain
Government Advocate

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By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the respondents to consider the petitioner's representation dated 25.06.2016 to extend the benefit of the G.O.Ms.No.234 School Education (G2) Department in so far as the petitioners are concerned and accordingly to award Selection/Special Grade Scale of Pay in the post of Elementary School Head Master by taking count of their lower cadre Secondary Grade Assistant Service as given to the 63 persons is concerned.

3.The petitioners herein are initially appointed as Secondary Grade Teachers, subsequently, they were promoted as Elementary School Headmasters and retired in the same post. It is stated that prior to 01.10.1970, the post of Secondary Grade Middle School Headmaster and Secondary Grade Assistants are all of equal cadre

with the same scale of pay. After 01.10.1970, the post of Secondary Grade Middle School Headmaster and Elementary School Headmaster were treated as the promotion post and awarded higher scale of pay than the post of Primary School Headmaster and Secondary Grade Assistant. Subsequently, various Associations of Teachers requested the Government to award Selection Grade / Special Grade to the Headmasters of Primary Schools counting the total service rendered by them in the posts of Secondary Grade Teacher and Headmaster of primary school. Government examined the matter and issued G.O.Ms.No.1381, Education Department, dated 05.10.1990 and directed that the Headmaster of Primary Schools who were in position on 01.06.1988 be awarded Selection Grade / Special Grade in the revised scales on or after 01.06.1988 counting the period of service rendered as Secondary Grade Teacher as well as Primary School Headmaster prior to 01.06.1988.

4.Pursuant to the said G.O., Selection / Special Grade post of Headmaster, who were in position on 01.06.1988 carried higher scale of pay above that of the Secondary Grade Teacher, who were promoted as Headmasters after 01.06.1988. Therefore, having been appointed as Headmaster, after 01.06.1988, the petitioners were given only ordinary grade Elementary School Headmaster of pay along

with one increment, but the petitioners were not given the Selection grade / Special Grade in the Elementary School Headmaster pay by counting earlier service in the Secondary Grade as well as Elementary School Headmaster. The juniors of the petitioners, who were promoted as Headmaster, prior to 01.06.1988 were awarded Selection grade / Special Grade in Elementary School Headmaster post with effect from 01.06.1988 by counting their earlier service, based on the G.O.Ms.No.1381, Education Department, dated 05.10.1990.

5.It is seen that now the Government had issued orders in G.O.Ms.No.234, School Education Department, dated 10.09.2009, directing to award Selection Grade / Special Grade scale of pay to those who were promoted as Headmasters of Elementary Schools after 01.06.1988 by counting their earlier service, prior to 01.06.1988, in respect of only 63 persons, but the same benefits were not extended to others, who were all similarly situated persons. Subsequently, the similarly placed retired Headmasters of Elementary Schools filed batch of writ petitions in W.P.Nos.26608/09, 25742/09, 5884/2010 before this Court, but the same were dismissed on the ground of laches and on merits. Against the said order, W.A.Nos.815, 1531, 1691 to 1693 and 1165 of 2010 were filed and the Division Bench of this Court, by order, dated 07.07.2011 has allowed the writ appeals with a direction

to the respondent therein to extend the benefits of G.O.Ms.No.234, School Education Department, dated 10.09.2009 to the appellants.

6.In this regard, representations were also given by the petitioners on 25.06.2016 to the first respondent, but there is no response from the first respondent. Hence, petitioners have come forward with this writ petition.

7.Heard the submissions of the learned counsel for the petitioners as well as the learned Government Advocate.

8.In view of the submissions made by the learned counsel appearing for the petitioners, I am of the opinion that it would be appropriate to direct the first respondent to consider the representation of the petitioners, dated 25.06.2016 within the time frame. Accordingly, the first respondent is directed to consider the representation of the petitioners, dated 25.06.2016, in the light of the Division Bench order passed in W.A.Nos.815, 1531, 1691 to 1693 and 1165 of 2010, dated 07.07.2011 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

R.SUBBIAH,J.

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9.With the above observations, this writ petition is disposed of.

No costs.

27.09.2016

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Index: Yes / No

Internet: Yes / No

To

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