

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.36681 of 2016

M.Lakshmanan

... Petitioner

Vs.

- 1 The Government of Tamil Nadu
Represented by the Secretary to Government
School Education Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2 The Director of School Education
College Road, Nungambakkam,
Chennai – 6.
- 3 The Chief Educational Officer
Villupuram, Villupuram District.
- 4 The District Educational Officer,
Villupuram, Villupuram District.
- 5 The Head Master
Thiru.Kamaraj Municipal Higher Secondary School
Villupuram District – 605 602.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to award pay protection in the category of Middle School Head Master with effect from the date of transferred 26.07.1968 to the date of

retirement 31.09.1997 in the light of the Government Letter issued by Special Commissioner and Secretary to the Government School Education Department in Government Letter No.76967/M1/88 dated 15.06.1988 and award Special Grade Middle School Head Master Pay Scale w.e.f. 01.06.1988 to 31.09.1997 and the consequential benefits including revision of pension.

For Petitioner : Mr.K.Thennan
For Respondents : Mr.K.Dhananjayan
Special Government Pleader

O R D E R

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 herein to award pay protection in the category of Middle School Head Master with effect from the date of transfer 26.07.1968 to the date of retirement 31.09.1997 in the light of the Government Letter issued by Special Commissioner and Secretary to the Government School Education Department in Government Letter No.76967/M1/88 dated 15.06.1988 and award Special Grade Middle School Head Master Pay Scale w.e.f. 01.06.1988 to 31.09.1997 and the consequential benefits including revision of pension.

3.The petitioner would state that he was initially appointed as Secondary Grade Teacher and has also served as Secondary Grade Teacher as well as Elementary school Head Master from 04.06.1962 to 14.06.1967 in Koliyanoor Panchayat Union. The petitioner was thereafter promoted as Middle School Head Master (Secondary Grade) on 15.06.1967 in the same Panchayat Union and while he was working as Middle School Head Master (Secondary Grade) at Panchayat Union Middle School, Muthampalayam, Koliyanur Panchayat Union, he was transferred to Municipal High School, Villupuram on 25.07.1968 and posted as Secondary Grade Teacher and served as Secondary Grade Teacher till his retirement.

4.It is the case of the petitioner that since the petitioner served as Middle School Head Master (Secondary Grade) in Koliyanur Panchayat Union Middle School from 15.06.1967 to 25.07.1968 and was transferred as Secondary Grade Teacher to the Municipal High School, Villupuram on administrative reasons, he is entitled to be treated as Middle School Head Master in the High School/ Higher Secondary School and is also entitled to get the Middle School Head Master Pay protection in High School/ Higher Secondary School in the light of Government Letter No.76967/M1/88 dated 15.06.1988.

5.The petitioner in this regard, has made representation to the respondents. He had also filed a case before the Tamil Nadu Administrative Tribunal, Chennai in O.A.No.5086 of 1996 and got a favourable order on 09.04.2002. Thereafter, the petitioner approached this Court in W.P.No.38580 of 2005 and this Court vide order dated 16.12.2005 directed the respondents to implement the judgment made in O.A.No.5086 of 1996 dated 09.04.2002. But the said order was not implemented. Hence, the petitioner has come forward with the present petition.

6.Heard the submissions of the learned counsel appearing for the petitioner and the learned Special Government Pleader who takes notice for the respondents.

7.Considering the submissions made on either side and without going into the merits of the case, this Court directs the petitioner to give a fresh representation, along with a copy of this order, to the respondents and the respondents on receipt of the same, are directed to consider the said representation, on merits and in accordance with law and in the light of the Government Letter issued by Special Commissioner and Secretary to the Government, School Education Department in Government Letter No.76967/M1/88 dated

15.06.1988 and pass appropriate orders, within a period of eight weeks thereafter.

8.The writ petition is disposed of accordingly. No costs.

20.10.2016

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Index: Yes/ No

Internet: Yes/ No

To

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R.SUBBIAH,J.

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