



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2016

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.1324 of 2014

1.K.Kandhavelu
2.M.Sethuraman
3.Bhilomeena
4.S.Chelladurai
5.K.RAju
6.N.Jeyaratchakan

... Petitioners

Vs.

1.State of Tamil Nadu rep. By its
Secretary to the Government,
School Education Department,
Fort St. George, Chennai -9.

2.The Director of Elementary Education,
Chennai.

3.The District Elementary Educational Officer,
Virudhunagar District.

4.The District Elementary Educational Officer,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to fix the scale of pay to the petitioners as per G.O.Ms.No.234, School Education (G2) Department dated 10.09.2009 counting entire length of service as a Elementary School Headmaster for selection grade and special grade and confer all consequential benefits.

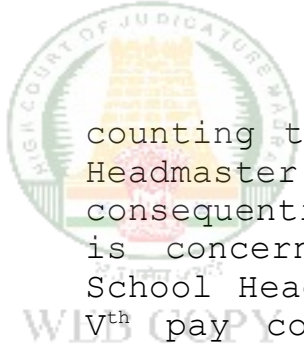
For Petitioners : Mr.V.Panneer Selvam

For respondents : Mr.V.Muruganandam,
Addl. Government Pleader

ORDER

Heard the learned counsel appearing on either side.

2.There are six petitioners in this writ petition. They worked under the respondents and retired from service on various dates. They approached this Court seeking a direction to the respondents to fix their scale of pay, as per G.O.Ms.No.234, dated 10.09.2009,



counting the entire length of their service as Elementary School Headmaster for selection grade and special grade and confer all consequential benefits. It is stated that as far as pay fixation is concerned, separate scale of pay was fixed for Elementary School Headmaster with effect from 01.06.1988 on the basis of the Vth pay commission recommendations. As per the said Government order, the petitioners should have been given Selection Grade and Special Grade by counting their length of service as Elementary School Headmaster, which they were not given.

3. Those persons, who have been holding the post of Elementary School Headmaster, were given only allowance. In such circumstances, Original Applications were moved before the Tamil Nadu Administrative Tribunal and they obtained orders in their favour. Based on the said order, the petitioners made representations requesting the respondents to consider their claim and to fix a scale of pay. In the meanwhile, one set of teachers approached the Tribunal and obtained an order directing the respondents to count their entire length of service in the cadre of Elementary School Headmaster for selection grade and special grade, and the same was accepted. An appeal filed by the Government was also dismissed. Thereafter, the Government issued G.O.Ms.No.234, School Education (G2) Department, dated 10.09.2009 directing the respondents to give the said benefits by counting the entire length of service of the employees. The said G.O. has to be extended even to the petitioners herein as they are also similarly placed persons. Hence, the petitioners had made separate representations to the respondents requesting the respondents to extend the benefit of G.O.Ms.No.234, dated 10.09.2009, which representations are still pending without any consideration. Hence, the present writ petition.

4. The learned counsel for the petitioners would submit that the issue was already decided by a Division Bench of this Court in W.A.No.979 of 2011, dated 30.09.2011 in favour of similarly placed persons. In view of the same, the petitioners are also entitled for the similar relief.

5. The learned Additional Government Pleader also on instructions submits that the respondents would consider the representations given by the petitioners, in the light of the said judgment as well as in the light of G.O.Ms.No.234 dated 10.09.2009. The said statement is recorded.

6. In view of the above, without expressing any opinion regarding the claim of the petitioners, this Court directs the second respondent to consider the individual representation of the petitioners in the light of the judgment of the Division Bench of this Court in W.A.No.979 of 2011 and in the light of G.O.Ms.No.234, School Education (G2) Department, dated 10.09.2009 and dispose of the same on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of



this order. For speedy consideration of their representations, the petitioners are directed to send their representations, along with a copy of this order, to the second respondent within a period of ten days from the date of receipt of a copy of this order.

7.The writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Secretary to the Government, State of Tamilnadu,
School Education Department, Fort St. George, Chennai -9.
- 2.The Director of Elementary Education, Chennai.
- 3.The District Elementary Educational Officer,
Virudhunagar District.
- 4.The District Elementary Educational Officer,
Sivagangai District.

+One cc to the Special Government Pleader, SR.No.17968
+One cc to Mr.V.Panneer Selvam, Advocate, SR.No.17868
CM
RL/7c/3p/AN/MP/SARI/7/4/2016

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