



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2016

CORAM:

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P. (MD) No.9724 of 2016

WEB COPY

S.Anbu

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary,
Education Department,
Fort St.George,
Chennai.

2.The Director of Elementary Education,
Chennai.

3.The District Elementary Educational Officer,
Nagercoil,
Kaniyakumari District.

... Respondents

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the Headmaster scale of pay with effect from 01.07.1999 to 31.05.2005 to the petitioner with all revised pension benefits with all consequential benefits by considering the petitioner's representation dated 30.03.2015.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.T.S.Md.Mohideen, AGP

O R D E R

Mr.T.S.Mohamed Mohideen, learned Additional Government Pleader takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

2.The petitioner Mrs.S.Anbu, was initially appointed as Higher Grade Teacher on 25.11.1970 and her post was upgraded as Secondary Grade Teacher on 01.06.1972 and subsequently, her service was regularized on 25.11.1972. On completion of 10 years of service, she was given selection grade in the cadre of Secondary Grade Teacher on 25.11.1982 and on 25.11.1992, she was awarded with special grade pay. On 01.07.1999 as per the district seniority, the petitioner was promoted as elementary school Headmaster in the Secondary Grade Teachers scale of pay for the reason that the schools were forming part of Travancore Cochin State. Thereafter, the petitioner attained the age of superannuation on 31.05.2005.

3.Now, the grievance of the petitioner is that even though she worked in Kaniyakumari District and the schools were forming part of Travancore Cochin State, she was not given Headmaster scale of pay as per the District Seniority Commission recommendations. When similarly placed Teachers have filed Writ petition in W.P.Nos.8368 of 2008, 30077 of 2012, 12076 of 2013, 15059 of 2012 and 4446 of 2013, this Court directed



the Secretary to Government, Education Department, to reconsider the case of the petitioners therein. Pursuant to which, the Government issued G.O.(3D)No.41 School Education (G2) Department, dated 27.03.2012. However, when the petitioner approached the respondents, they have not extended the benefits to the petitioner as per the said G.O. Hence, the petitioner is before this Court with the present Writ petition.

4.The learned counsel for the petitioner would further contend that when this Court has already given a direction to extend the benefits as per the said G.O. to similarly placed teachers, the respondents cannot force the similarly placed teachers to approach this Court by filing Writ petitions. This will not only cause financial burden to the petitioner but also to the Government.

5.The learned Additional Government Pleader appearing for the respondents would submit that a reasonable time may be given to consider the case of the petitioner.

6.As there are number of orders passed by this Court in W.P.Nos.8368 of 2008 dated 10.11.2009, W.P.No.30077 of 2012 dated 28.11.2013, W.P.No.12076 of 2013 dated 28.11.2013, W.P.No.15059 of 2012 dated 29.04.2014 and W.P.No.4446 of 2013 dated 22.08.2014, this Court has no hesitation to give a direction to the respondents 1 and 2 to consider the case of the petitioner.

7.Accordingly, the respondents 1 and 2 are hereby directed to consider the case of the petitioner based on his representation dated 30.03.2015 in the light of the above said orders passed by this Court and also in the light of G.O.(3D)No.41 School Education (G2) Department, dated 27.03.2012, within a period of 4 weeks from the date of receipt of a copy of this order.

The Writ petition is disposed of accordingly. No costs.

Sd/

Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Secretary,The State of Tamilnadu,
Education Department, Fort St.George,Chennai.
- 2.The Director of Elementary Education,Chennai.
- 3.The District Elementary Educational Officer,
Nagercoil, Kaniyakumari District.

+1cc to M/S.V.Panneer Selvam, Advocate in SR.No.27681

+1cc to Special Government Pleader in SR.No.27663

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