

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.609 of 2017

1.P.Krishnammal

2.P.Viswasamary

... Petitioners

Vs.

1. The Government of Tamil Nadu
rep by the Secretary to the Government
School Education Department,
Fort St.George, Chennai - 600 009.
2. The Director of Elementary Education,
College Road, Chennai - 600 006.
3. The District Elementary Educational Officer,
Trichy, Trichy District.
4. The Assistant Elementary Educational Officer,
Uppiliyapuram Block, Uppiliyapuram,
Trichy District.
5. The Accountant General,
(Accounts & Entitlements) Tamil Nadu,
361, Anna Salai, Chennai - 600 018. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay the arrears of pay to the petitioners for the period they worked consequent on the re-fixation of pay and pension as per G.O.Ms.No.207, School Education (G-2) Department dated 30.09.2008 and grant them all consequential benefits.

For Petitioners : Mr.P.Rajendran
For Respondents : Mrs.M.E.Raniselvam,
Additional Government Pleader(R1to R4)
Mr.V.Vijayashankar (R5)

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2.The petitioners claim to be retired Primary School Headmistresses and furnished the following service

particulars:

Sl.N o.	Name and Designation	Period of service rendered as Secondary Grade Teacher prior to 01.06.1988	Period of service rendered as Primary School Headmistress after 01.06.1988
1.	P.Krishnammal Retired Headmistress, Panchayat Union Primary School, Vairichettypalayam, Uppiliyapuram Block,, Trichy District.	03.04.1972 to 31.05.1988 continued to work as Secondary Grade Teacher till 30.06.1997.	01.07.1997 to 30.11.2005 retired on 30.11.2005.
2.	P.Viswasamary, Retired Headmistress, Panchayat Union Primary School, S.N.Pudur, Uppiliyapuram Block,, Trichy District.	01.01.1971 to 31.05.1988 continued to work as Secondary Grade Teacher till 08.09.1995	09.09.1995 to 30.06.2000 retired on 30.06.2000.

3. It is averred by the petitioners that as per G.O.Ms.No.207 of the 1st respondent dated 30.09.2008, the fixation of pay was directed to be fixed for those teachers who got promoted as Primary School Headmasters after 01.06.1988 as per G.O.Ms.No.185, School Education Department, dated 16.12.2002 and G.O.Ms.No.160, School Education Department, dated 23.08.2005 and without reference to G.O.Ms.No.38, School Education Department, dated 05.03.2001 and permitting to draw revised pension benefits and accordingly, their pensionary benefits were revised as per G.O.Ms.No.207 of the 1st respondent dated 30.09.2008. They were also paid gratuity, commutation of pension and also got their arrears. The grievance expressed by the petitioners is that they have not been paid arrears of pay due to re-fixation of pay. They have submitted a representation dated 23.11.2015 to the 2nd respondent, through proper channel and despite receipt and acknowledgment, there is no response forthcoming and hence, the petitioners have filed this Writ Petition.

4.The learned counsel appearing for the petitioners would submit that the issue in this matter is covered by order dated 11.11.2014 in W.P.No.25001 of 2012 [S.Chandrasekaran and 2 others Vs. The Government of Tamil Nadu rep by its Secretary to the Government, School Education Department, Chennai - 9 and 3 others] and prays for appropriate orders.

5. Per contra, Mrs.M.E.Raniselvam, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 4 would submit that admittedly, nothing has been indicated in the above order as to the payment of arrears of salary and it is also a well settled position of law that Government Orders cannot be interpreted like a Statute and seeks time to get instructions as to whether any appeal is preferred against the above cited order.

6. At this juncture, the learned counsel appearing for the petitioners prays for leave of this Court to submit one more representation to the respondents, through proper channel, by enclosing a copy of the above cited order with a further direction to dispose of the same in accordance with law.

7.This Court heard the rival submissions and perused the records placed before it.

8.Though the petitioners pray for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners, either in their joint representation or in this Writ Petition, permits the petitioners to submit one more representation to the respondents 1 & 2 through proper channel within a period of four weeks from the date of receipt of a copy of this order and the respondents 1 & 2, on receipt of the same, are directed to consider the representation in accordance with law and pass orders within a further period of ten weeks thereafter and communicate the decision taken, to the petitioners.

9.The Writ Petition is disposed of accordingly. No costs.

सत्यमेव जयते
s/d-

Assistant Registrar(CS-III)

//True Copy//

Sub-Assistant Registrar

To

1. The Secretary to the Government of Tamil Nadu
School Education Department,
Fort St.George, Chennai - 600 009.
2. The Director of Elementary Education,
College Road, Chennai - 600 006.

3. The District Elementary Educational Officer,
Trichy, Trichy District.
4. The Assistant Elementary Educational Officer,
Uppiliyapuram Block, Uppiliyapuram, Trichy District.
5. The Accountant General,
(Accounts & Entitlements) Tamil Nadu,
361, Anna Salai, Chennai - 600 018.

+1 CC to M/s. P.Rajendren, Advocate sr 2460

+2 CC to Government Pleader sr 2488,2217

KJ (CO)
sp/1/2

W.P.No.609 of 2017



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