

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No. 9598 of 2017

S. Mani

Petitioner

vs.

1 The State of Tamil Nadu
represented by the Secretary
to Government
School Education Department
Fort St. George
Chennai 600 009

2 The Director of Elementary Education
College Road
Nungambakkam
Chennai 600 006

3 The District Elementary
Educational Officer
Thiruvallur District
Thiruvallur

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the second respondent to implement his own order vide proceedings in Na.Ka.No.27921/e2/2012 dated 28.08.2013 and thereby extend the benefits of G.O. Ms.No.210, School Education (G1) Department dated 14.08.2009 and G.O. Ms.No.190, School Education Department dated 12.07.2010 with all monetary benefits.

For petitioner Mr. A.R. Suresh

For respondents Mr. P. Sanjay Gandhi
Addl. Govt. Pleader

ORDER

Mr. P. Sanjay Gandhi, learned Additional Government Pleader, accepts notice for the respondents. With consent, this writ petition is taken up for final disposal.

2 This writ petition has been preferred seeking a writ of mandamus directing the second respondent to implement his own order vide proceedings in Na.Ka.No.27921/e2/2012 dated 28.08.2013 and thereby extend the benefits of G.O. Ms.No.210,

School Education (G1) Department dated 14.08.2009 (for brevity "G.O. Ms.No.210") and G.O.Ms.No.190, School Education Department dated 12.07.2010 (for brevity "G.O.Ms.No.190") with all monetary benefits.

3 The petitioner was initially appointed as Headmaster of an Elementary School on 28.06.1963 and he was subsequently promoted as B.T. Grade Headmaster of Middle School on 31.03.1981 and he also retired from service on 30.06.1999 on reaching the age of superannuation. The petitioner's claim is that when he has got a clean track record of 36 years, he should be extended the benefit of G.O. Ms.No.210 and G.O. Ms.No.190 qua conferment of Special Grade and Special Grade and also for promotion by reckoning his earlier service in the lower cadre of posts.

4 In this regard, the petitioner, with several others, jointly filed a writ petition in W.P. No.19652 of 2010, which was heard along with a batch of similar matters and allowed by a common order dated 03.08.2011 in the following terms:

"5. The fact remains that similarly placed persons as that of the petitioners have been given the benefit of the Government Orders in G.O. Ms.No.210, School Education (G1) Department dated 14.08.2009 and G.O. Ms.No.190, School Education Department dated 12.07.2010 in respect of the conferment of Special Grade and Selection Grade and thereafter for promotion by taking into consideration of their earlier service in the lower cadre of posts, but, unfortunately, the said benefit was denied to the petitioners merely on the ground that the petitioners have not approached the Tamil Nadu Administrative Tribunal or the Court. This Court is of the considered view that there is absolutely no justification for such a stand taken by the first respondent herein for declining to grant the relief of benefits as per the above said Government Orders as the same would amount to discrimination.

6. In view of all the above factors, this Court is constrained to direct the petitioners to submit a fresh representation to the respondents within 10 days from the date of receipt of a copy of this order and the respondents, on receipt of the same, shall consider the representation to be given by the petitioners seeking for the relief of awarding Special Grade scale of pay in the cadre of Middle School Headmaster to the petitioners with effect from 01.06.1988 by extending the benefits granted to the similarly placed candidates by

the Government in G.O. Ms.No.210, School Education (G1) Department dated 14.08.2009, G.O. Ms.No.190, Education (G1) Department dated 12.07.2010 with all monetary benefits and pass orders on merits and in accordance with law. It is made clear that the said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order."

5 Pursuant to the aforesaid order, the petitioner addressed a representation on 21.12.2011 to the educational authorities, in pursuance whereof, the second respondent issued the proceedings in Na.Ka.No.27921/E2/2012 dated 28.08.2013 stating that the petitioner is entitled to get the benefit of G.O. Ms.No.210 and G.O. Ms.No.190 and that a separate order would be issued in this regard. Notwithstanding such a specific statement in the said proceedings, the petitioner has not been issued with necessary orders granting the benefit of the aforementioned two Government Orders. Hence, the petitioner addressed a representation dated 08.12.2014 to the second respondent, but, to no avail. Hence, the instant writ petition seeking the aforesaid relief.

6 The learned Additional Government Pleader submitted that a reasonable time may be granted to the second respondent to consider and pass orders on the petitioner's representation dated 08.12.2014.

7 In view of the above submission of the learned Additional Government Pleader, this Court directs the second respondent to consider and pass orders on the petitioner's representation dated 08.12.2014 on its own merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order, in the light of the order dated 03.08.2011 passed by this Court referred to above and also proceedings dated 28.03.2013 issued by the second respondent.

With the above direction, this writ petition stands disposed of. Costs made easy.

Sd/-
Assistant Registrar(CCC)

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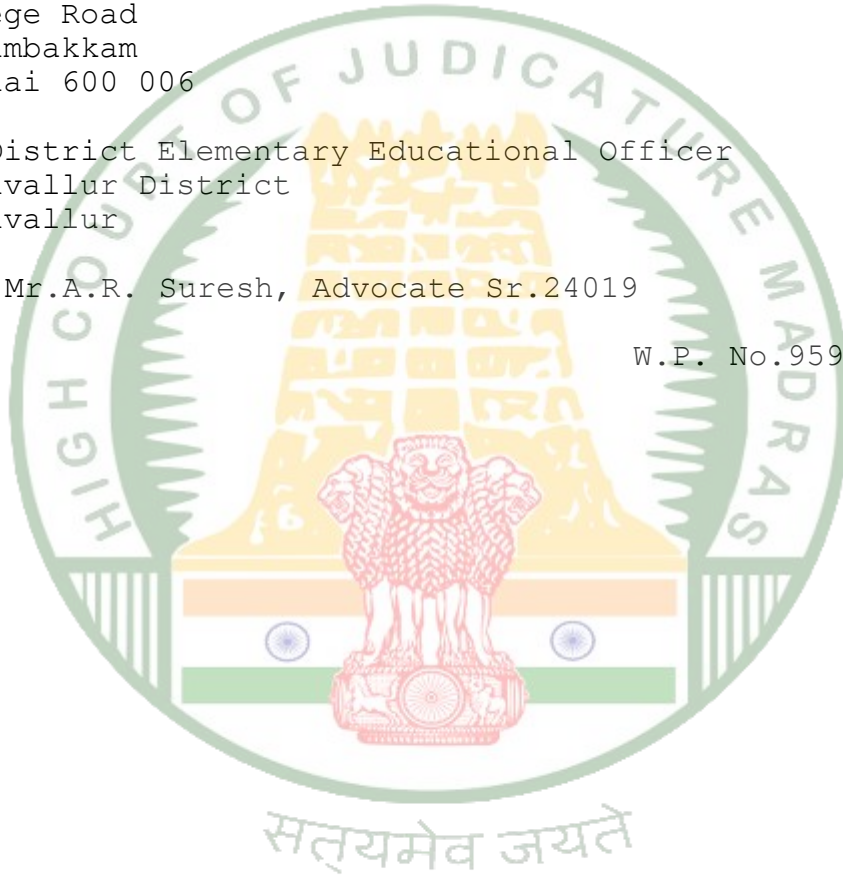
Sub Assistant Registrar

To

- 1 The Secretary to Government
School Education Department
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Chennai 600 009
 - 2 The Director of Elementary Education
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 - 3 The District Elementary Educational Officer
Thiruvallur District
Thiruvallur
- + 1 cc to Mr.A.R. Suresh, Advocate Sr.24019

W.P. No.9598 of 2017

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