

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP Nos.8844, 9048, 13096, 17589, 23137, 23312, 24963 to 24974,  
30554, 19236 and 32829 to 32832 of 2014

1.C.Krishnappa  
2.Sivakumar  
3.M.Venkatesh Reddy  
4.R.Saraswathi  
5.Jayanthi  
6.Barathi  
7.Savithiramma (Family Pensioner)  
8.M.Alamelu (Family Pensioner)  
9.T.Sasikala ... Petitioners WP No.8844 of 2014

1 K.ARUMURAM

2 S.KRISHNAMOORTHY

3 SIVA. NEELA [WITHDRAWN]

P-3 CONTD.

THE WRIT PETITION STANDS AS WITHDRAWN IN  
RESPECT OF THIS P-3 AS PER ORDER DT.21.9.15  
IN MP.1/15 IN WP.9048/2014.

..Petitioner in W.P.9048 of 2014.

1. M. GAVIAPPA

2. K. MURUGESAN

3. J. ANNAIAH

4. A.R. ANANTHA PADMA SHETTY

5. ANUSUYA (FAMILY PENSIONER)

..PETITIONER IN W.P.13096 OF 2014

H. CHIDAMBARAM

..PETITIONER IN W.P. 17589 OF 2014.

S. BALACHANDIRAN

..PETITIONER IN W.P. 23137 OF 2014.

S. RAMAKRISHNAN

..PETITIONER IN W.P. 23312 OF 2014.

D. VISWANATHAN ..PETITIONER IN W.P. 24963 OF 2014.  
R. ARUMUGAM ..PETITIONER IN W.P. 24964 OF 2014.  
T. KANNAGI ..PETITIONER IN W.P. 24965 OF 2014.  
G. POWN ..PETITIONER IN W.P. 24966 OF 2014.  
J. SUGUNA D/O N. SIVALINGAM ..PETITIONER IN W.P. 24967 OF 2014.  
C. LALITHABAI ..PETITIONER IN W.P. 24968 OF 2014.  
N. GAJALAKSHMI ..PETITIONER IN W.P. 24969 OF 2014.  
V. SANTHAKUMARI ..PETITIONER IN W.P. 24970 OF 2014.  
M. KALAIMANI ..PETITIONER IN W.P. 24971 OF 2014.  
V. KASTHURIBAI ..PETITIONER IN W.P. 24972 OF 2014.  
N. VIJAYALAKSHMI ..PETITIONER IN W.P. 24973 OF 2014.  
P. NIRMALADEVI ..PETITIONER IN W.P. 24974 OF 2014.  
S. SELVARAJ ..PETITIONER IN W.P. 30554 OF 2014.  
M. SHANMUGAM ..PETITIONER IN W.P.19236 OF 2014.  
R. ALLAH BAKASH ..PETITIONER IN W.P.32829 OF 2014.  
M. KARUNAGARI ..PETITIONER IN W.P.32830 OF 2014.  
M. ANJALI DEVI ..PETITIONER IN W.P.32831 OF 2014.  
G. NEELAVATHI ..PETITIONER IN W.P.32832 OF 2014.

सत्यमेव जयते  
Vs.

1. THE STATE OF TAMIL NADU  
REP. BY ITS SECRETARY TO GOVERNMENT,  
SCHOOL EDUCATION DEPARTMENT,  
FORT ST. GEORGE,  
CHENNAI-600 009.
2. THE DIRECTOR OF ELEMENTARY EDUCATIONAL OFFICER,  
COLLEGE ROAD, CHENNAI-600 006.  
.... RESPONDENTS IN W.P. 8844/2014.

1 THE STATE OF TAMILNADU  
REP.BY IS SECRETARY TO GOVERNMENT SCHOOL  
EDUCATION DEPARTMENT FORT ST. GEORGE  
CHENNAI-9

2 THE DIRECTOR OF ELEMENTARY  
EDUCATION D.P.I. COMPOUND COLLEGE ROAD  
CHENNAI-6

3 THE DISTRICT ELEMENTARY  
EDUCATIONAL OFFICER THANJAVUR THANJAVUR  
DISTRICT

4 ASSISTANT ELEMENTARY  
EDUCATIONAL OFFICER MADUKKUR UNION  
THANJAVUR DISTRICT

...RESPONDENTS IN W.P.9048 OF 2014.

1 THE STATE OF TAMILNADU  
REP. BY ITS SECRETARY EDUCATION DEPARTMENT  
FORT ST. GEORGE CHENNAI-9

2 THE DIRECTOR OF ELEMENTARY  
EDUCATION OFFICER COLLEGE ROAD CHENNAI-6

...RESPONDENTS IN W.P.13096 OF 2014.

1 STATE OF TAMIL NADU  
REP. BY ITS SECRETARY SCHOOL EDUCATION  
DEPARTMENT FORT ST. GEORGE CHENNAI-9.

2 THE DIRECTOR  
ELEMENTARY EDUCATION DPI COMPLEX CHENNAI.

3 THE DISTRICT ELEMENTARY  
EDUCATION OFFICER OFFICE OF DISTRICT  
ELEMENTARY EDUCATION OFFICE THIRUVANNAMALAI  
DISTRICT.

4 THE ASSISTANT ELEMENTARY  
EDUCATION OFFICER OFFICE OF ASSISTANT  
ELEMENTARY EDUCATION OFFICE POLUR  
THIRUVANNAMALAI DISTRICT.

...RESPONDENTS IN W.P.17589 OF 2014.

1 STATE OF TAMIL NADU  
REP. BY ITS SECRETARY SCHOOL EDUCATION  
DEPARTMENT FORT ST. GEORGE CHENNAI-9

2 THE DIRECTOR  
ELEMENTARY EDUCATION DPI COMPLEX CHENNAI-6

3 DISTRICT ELEMENTARY  
EDUCATION OFFICER OFFICE OF DISTRICT  
ELEMENTARY EDUCATION OFFICE NAGAPATTINAM  
TALUK & DISTRICT.

4 THE ASSISTANT ELEMENTARY  
EDUCATION OFFICER OFFICE OF DISTRICT  
ELEMENTARY EDUCATION OFFICE NAGAPATTINAM  
TALUK & DISTRICT.

..RESPONDENTS IN W.P.23137 OF 2014.

1 STATE OF TAMILNADU  
REP. BY ITS SECRETARY SCHOOL EDUCATION  
DEPARTMENT FORT ST. GEORGE CHENNAI-9.

2 THE DIRECTOR  
ELEMENTARY EDUCATION DPI COMPLEX CHENNAI.

3 DISTRICT ELEMENTARY EDUCATIONAL  
OFFICER OFFICE OF DISTRICT ELEMENTARY  
EDUCATION OFFICE THANJAVUR & DISTRICT.

4 THE ASSISTANT ELEMENTARY  
EDUCATIONAL OFFICER OFFICE OF ASSISTANT  
ELEMENTARY EDUCATION OFFICE KUMBAKONAM  
TALUK THANJAVUR DISTRICT.

..RESPONDENTS IN W.P.23312 OF 2014.

1 THE PRINCIPAL SECRETARY  
TO THE GOVERNMENT SCHOOL EDUCATION  
DEPARTMENT FORT ST. GEORGE CHENNAI-9

2 THE DIRECTOR OF ELEMENTARY  
EDUCATION COLLEGE ROAD CHENNAI-6

3 THE DISTRICT ELEMENTARY  
EDUCATIONAL OFFICER VELLORE

4 THE ASSISTANT ELEMENTARY  
EDUCATIONAL OFFICER URBAN RANGE VELLORE

..RESPONDENTS IN W.P.24963 OF 2014  
and W.P. 24974/2014 and W.P.32829 to 32832/2014.

1 THE SECRETARY TO GOVERNMENT  
SCHOOL EDUCATION DEPARTMENT FORT ST. GEORGE  
CHENNAI-9.

2 THE DIRECTOR OF ELEMENTARY  
EDUCATION COLLEGE ROAD CHENNAI-6.

3 THE DISTRICT ELEMENTARY  
EDUCATIONAL OFFICER TIRUNELVELI  
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL ASSISTANT  
ELEMENTARY EDUCATIONAL OFFICER VALLIYUR  
RANGE VALLIYUR TIRUNELVELI DISTRICT.

5 THE ACCOUNTANT GENERAL  
(ACCOUNTS & ENTITLEMENT) TAMILNADU 361  
ANNA SALAI CHENNAI-18.

...RESPONDENTS IN W.P.30554 OF 2014

1 THE GOVERNMENT OF TAMIL NADU  
REP. BY THE SECRETARY TO THE GOVERNMENT  
SCHOOL EDUCATION DEPARTMENT FORT ST. GEORGE  
CHENNAI-9.

2 THE DIRECTOR OF ELEMENTARY  
EDUCATION COLLEGE ROAD CHENNAI-6.

3 THE DISTRICT ELEMENTARY  
EDUCATIONAL OFFICER TIRUPPUR TIRUPPUR  
DISTRICT.

4 THE ACCOUNTANT GENERAL  
(ACCOUNTS & ENTITLEMENTS) TAMIL NADU 361  
ANNA SALAI CHENNAI-18.

...RESPONDENTS IN W.P.19236 OF 2014.

Prayer in WP No.8844 of 2014: Writ Petition filed under Article 226 of the Constitution of India, seeking the issuance of a Writ of Mandamus, directing the respondent to extend the benefits of the order passed in O.A. Nos.68/1997 and 177/97 dated 12.07.2002 confirmed in W.P.No.29644/2008 dated 21.02.2008 and to sanction the same as complied in G.O.Ms.No.234 School Education [G2] Department, dated 10.09.2009 to the petitioners.

W.P.9048/2014:

directing the respondents to award Selection Grade and Special Grade Scale of Pay in the Cadre of Elementary School Head Master by taking into account of their services rendered earlier as Elementary School Headmaster and Secondary Grade

Teacher before 1.6.1988 or after 1.6.1988 by extending the benefits granted to the similarly placed candidates by the Government in G.O.Ms. No.234 School Education (G2) Department dated 10.9.2009 as per orders of the Honourable Division Bench passed in W.A.No.815/2011 dated 7.7.2011 with all monetary benefits.

W.P. 13096/2014:

directing the respondent to extend the benefits of the order passed in O.A. Nos. 68/1997 and 177/97 dt 12.7.2002 confirmed in W.P. No.29644/2008 dt 21.2.2008 and to sanction the same as complied in G.O.Ms. No.234 School Education (G2) Department dt 10.9.2009 to the petitioners.

W.P.17589/2014:

Calling for the records relating to the G.O. Ms.No.179 (School Education Department) dated 6.9.2013 issued by the first respondent quash the same and direct the respondents to extend the benefit of G.O. Ms.No.234 (School Education Department) dated 10.9.2009 and pay the arrears in the revised Selection/Special Grade Pay in the Post of Elementary School Head Master with effect from 30.6.1997 and confer all the consequential benefits.

W.P. 23137/2014:

Calling for the records relating to the G.O. Ms.No.179 (School Education Department) dated 6.9.2013 issued by the first respondent quash the same and direct the respondents to extend the benefit of G.O. Ms.No.234 (School Education Department) dated 10.9.2009 and pay the arrears in the revised Selection/Special Grade Pay in the Post of Elementary School Head Master with effect from 30.6.1997 and confer all the consequential benefits.

W.P. 23312/2014:

Calling for the records relating to the G.O. Ms.No.179 (School Education ThoKa1 (2) Department) dated 6.9.2013 issued by the first respondent quash the same and direct the respondents to extend the benefit of G.O. Ms.No.234 (School Education (G2) Department) dated 10.9.2009 and pay the arrears in the revised Selection/Special Grade Pay in the Post of Elementary School Head Master with effect from 20.06.2001 and confer all the consequential benefits.

W.P.24963/2014 to W.P. 24974/2014, W.P.32829 to 32832/2014:

Calling for the records relating to the proceedings of G.O. No.179 (School Education) Tho.Ka.1(2) Department dated 6.9.2013 of the first respondent quash the same and consequently for a direction directing the respondents to extend the benefits granted in G.O. Ms.No.234 (School Education) (G2) Department dated 10.9.2009 to the petitioner by

giving Selection/ Special Grade of Pay in the Elementary School Head Mastress post to the petitioner by taking into account the service of the petitioner as Secondary Grade Teacher or Elementary grade Headmistress prior to 1.6.1988.

W.P. 30554/2014:

To call for the records connected in Na.Ka.No. 1675/B2/2014 dated 13.8.2014 of the 4th respondent and quash the same and consequently direct the respondents to implement the order of the Honourable High Court dated 09.12.2013 in letter and spirit by extending the benefits under G.O.Ms.No.234 School Education (G-2) Department dated 10.09.2009 and G.O.Ms.No.179 School Education Department dated 06.09.2013 and direct the respondents to count the service rendered by the petitioner in the post of Secondary Grade Teacher prior to 01.06.1988 along with the service rendered in the post of Primary School Headmaster and grant all consequential benefits including pay fixation arrears consequently revised pension.

W.P. 19236/2014:

Directing the respondents to extend the benefit of G.O.Ms.No.234 School Education (G-2) Department dated 10.09.2009 to the Petitioner and count the service rendered by him in the post of Secondary Grade Teacher prior to 1.6.1988 along with the service rendered in the post of Primary School Headmaster and accordingly fix his pay in the selection / special grades of Primary School Headmaster and grant him all consequential benefits.

For Petitioners :- Mr.A.R. Nixon  
in W.P. 8844/2014, 13096/2014  
: Mr.V. Ravikumar  
in W.P. 9048/2014.  
: Mr.S. Anbazhagan  
in W.P. 17589/2014  
W.P.23137/2014  
W.P. 23312/2014.  
: Mr.R. Saravanakumar  
in W.P. 24963 to 24974/2014  
in W.P. 32829 to 32832/2014  
: Mr.G. Elanchezhiyan  
in W.P. 30554/2014.  
: Mr.P. Manoj Kumar  
in W.P. 19236/2014.

For Respondents:Mr.R. Vijayanarayanan

Advocate General

Assisted by Mr.T.M. Rajagopalan

Govt. Pleader(I/C)

and Mr.R. Vijayakumar AGP

for RR1 & 2 in W.P. 8844/2014.

for RR1 to 4 in W.P. 9048/2014, W.P.23312/2014.

for RR1 & 2 in W.P.13096/2014.

for RR1 to 4 in W.P.17589/2014, W.P.23137/2014.

for RR1 to 3 in W.P. 19236/2014.

for RR1 to 4 in W.P. 30554/2014.

for RR1 to 4 in W.P. 24963 to 24974/14 and

W.P. 32829 to 32832/2014

M/s. Hema Muralikrishnan, for R4 in W.P. 19236/2014.

for R5 in W.P. 30554/2014.

#### C O M M O N O R D E R

All these batch of writ petitions are filed by the writ petitioners, seeking re-fixation of their pay by extending the benefits granted in G.O.Ms.No.234, School Education, dated 10.9.2009.

2. On perusal of the said G.O.Ms.No.234, School Education, dated 10.9.2009, this Court is able to find that a benefit of re-fixation of pay to the retired Primary School Headmasters, who served prior to 1.6.1988, was granted. In the said Government Order, the benefit of revision of pay was extended to 61 retired Primary School Headmasters. Thus, the Government Order was issued in respect of 61 retired Primary School Headmasters by taking into account the services rendered by them prior to 1.6.1988. In fact, the Special Grade Pay was extended to them by calculating the services rendered prior to 1.6.1988.

3. The issue was earlier considered by the Hon'ble Division Bench of this Court and the Division Bench of this Court passed orders on 29.10.2011 in WP No.24700 of 2009 and granted the benefits accorded to 61 retired Primary School Headmasters in G.O.Ms.No.234, School Education, dated 10.9.2009. Following the same, the learned single Judge also passed an order subsequently on 11.11.2014 in WP No.25001 of 2012, granting Special Grade in the post of Primary School Headmasters. But, thereafter, this Court has elaborately considered all the judgments and the grounds in batch of writ petitions decided on 15.12.2016 in WP Nos.26459 of 2010 etc. batch. This Court has considered all the grounds raised in these

writ petitions elaborately as well as a judgment of the Division Bench of this Court dated 7.7.2011 in WA No.815 of 2010 etc. batch, relying on the legal principles laid down by the Supreme Court of India in the said batch of writ petitions, and passed the following order:-

"29. Applying the above decision rendered by the Honourable Supreme Court to this case, the petitioners in these batch of cases have knowledge about the benefits conferred by the Government in favour of similarly placed persons like them, however, they have not chosen to approach this Court immediately, rather, they have filed the present writ petitions belatedly, conveniently after their retirement. In such view of the matter, I am of the view that the petitioners are not entitled to succeed and the writ petitions are liable to be dismissed on the ground of delay and laches. This conclusion can be fortified from the decision of the Honourable Supreme Court in the case of (Ramachandra Shankar Deodhar and others vs. The State of Maharashtra and others) (1974) 1 SCC 317 which was relied on by the learned single Judge of this Court in his order dated 17.09.2014 wherein it was held that there was more than ten or twelve years in filing the petition since the accrual of the cause of complaint, and such delay was sufficient to disentitle the petitioners to any relief under Article 32 of The Constitution of India. In the present case also, the petitioners have approached this Court much after their retirement and some of the petitioners have even died. The petitioners have not any justifiable reason as to why they did not approach this Court at the earliest point of time to seek the relief which are sought for in these batch of writ petition when cause of action for them to file such writ petitions was very much subsisting at the relevant point of time. Therefore, I find force in the argument of the learned Advocate General appearing for the official respondents that the petitioners are fence-sitters/watchers and they were waiting for the litigation engineered at the instance of similarly placed persons to conclude before they file the present batch of writ petitions.

30. In some of the writ petitions, which are filed challenging the orders passed by the Principal Accountant General of Tamil Nadu, it is seen that the office of the Principal Accountant General has rejected the proposal sent by the

concerned educational officers for extending the benefits of GO Ms. No.234 dated 10.09.2009 in favour of the petitioners on the ground that the concerned petitioner is not one of the beneficiaries of the order passed by the Government in his or her favour or the petitioner has not obtained any orders from the competent Court. However, it was stated that if any Government Order issued in favour of the individual petitioner, the same shall be forwarded for consideration. Therefore, the Principal Accountant General has rightly refused to extend the benefits of GO Ms. No.234 dated 10.09.2009 in the absence of any order passed by the Government in favour of the petitioners and it does not call for any interference by this Court.

31. For all the above reasons, I hold that the petitioners are not entitled for the relief sought for in these writ petitions. Hence, all the writ petitions fail and accordingly they are dismissed. No costs. Consequently, connected miscellaneous petitions are closed."

4. In view of the considered judgment passed in the batch of writ petitions, cited supra, this Court is not inclined to consider the grounds raised in all these writ petitions. Accordingly, the writ petitions stand dismissed, however, there shall be no order as to costs.

s/d-  
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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may a

To

1. THE SECRETARY TO GOVERNMENT  
SCHOOL EDUCATION DEPARTMENT  
FORT. ST.GEORGE  
CHENNAI 9.

2. THE DIRECTOR OF ELEMENTARY EDUCATION  
COLLEGE ROAD, CHENNAI 6.

WEB COPY

3. THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER  
THANJAVUR  
THANJAVUR DISTRICT
4. THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER  
MADUKKUR UNION  
THANJAVUR DISTRICT.
5. THE DISTRICT ELEMENTARY EDUCATION OFFICER  
THIRUVANNAMALAI  
THIRUVANNAMALAI DISTRICT
6. THE ASSISTANT ELEMENTARY EDUCATION OFFICER  
THIRUVANNAMALAI  
THIRUVANNAMALAI DISTRICT.
7. THE DIRECTOR  
ELEMENTARY EDUCATION  
DPI COMPLEX, CHENNAI
8. THE DISTRICT ELEMENTARY EDUCATION OFFICER  
O/O DISTRICT ELEMENTARY EDUCATION OFFICE  
NAGAPATTINAM, NAGAPATTINAM DISTRICT.
9. THE ASSISTANT ELEMENTARY EDUCATION OFFICER  
O/O ASSISTANT ELEMENTARY EDUCATION OFFICE  
NAGAPATTINAM, NAGAPATTINAM DISTRICT.
10. THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER  
THANJAVUR, O/O DISTRICT ELEMENTARY EDUCATION OFFICE  
THANJAVUR DISTRICT.
11. THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER  
O/O ASSISTANT ELEMENTARY EDUCATION OFFICE  
KUMBAKONAM TALUK, THANJAVUR DISTRICT.
12. THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER  
VELLORE VELLORE DISTRICT.
13. THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER  
URBAN RANGE, VELLORE VELLORE DISTRICT.
14. THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER  
TIRUNELVELI, TIRUNELVELI DISTRICT.
15. THE ADDITIONAL ASSISTANT ELEMENTARY EDUCATIONAL OFFICER  
VALLIYUR RANGE, VALLIYUR  
TIRUNELVELI DISTRICT.

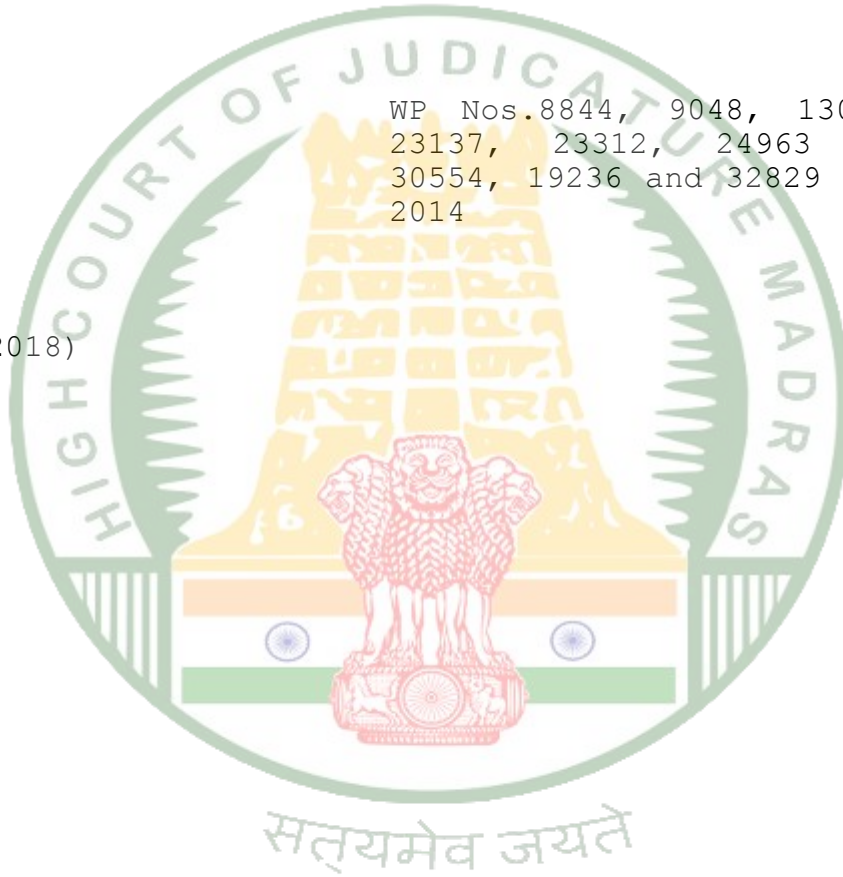
16. THE ACCOUNTANT GENERAL  
(ACCOUNTS & ENTITLEMENT)TAMIL NADU  
361, ANNA SALAI, CHENNAI 18.

17. THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER  
TIRUPPUR, TIRUPPUR DISTRICT.

+1 CC to M/s.G. Elanchezhiyan, Advocate sr 90412.  
+1 CC to Govt. Pleader sr 91123, 91121.  
+2 Ccs to Mr.A.R. Nixon Advocate sr 91006,91005.

WP Nos.8844, 9048, 13096, 17589,  
23137, 23312, 24963 to 24974,  
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2014

GMR (CO)  
SP (01/02/2018)



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