

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2017

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.14171 of 2017

K. Elangovan

Petitioner

vs.

1 The Chief Educational Officer
Nagapattinam District
Nagapattinam

2 The Headmaster
Government Higher Secondary School
Thevur 611 109
Nagapattinam District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to consider the petitioner's representation dated 06.10.2016 and to pass order to grant revision of scale of pay in the post of Selection Grade Secondary Grade teacher with consequential revision of scale of pay and payment of arrears of salary along with interest as per G.O. Ms.No.62, Finance (CMPC) Department dated 09.03.2015 within a time frame.

For petitioner Mr. G. Sankaran

For respondents Mr. P. Sanjay Gandhi
Addl. Government 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 at the admission stage itself.

2 This writ petition has been preferred seeking a writ of mandamus directing the respondents to consider the petitioner's representation dated 06.10.2016 and to pass order to grant revision of scale of pay in the post of Selection Grade Secondary Grade teacher with consequential revision of scale of pay and payment of arrears of salary along with interest as per

G.O. Ms.No.62, Finance (CMPC) Department dated 09.03.2015 within a time frame.

3.1 The petitioner is a retired teacher. Initially, he was appointed as Secondary Grade teacher on 09.02.1981 and he was granted with Selection Grade in the post of Secondary Grade teacher on 21.02.1991 and further granted with Special Grade with effect from 21.02.2001 and thereafter, promoted to the post of B.T. Assistant on 21.06.2002 and further promoted as P.G. Assistant on 01.07.2014. With this background and rich experience, he retired from service after re-employment on 31.05.2016.

3.2 While so, the Government passed G.O.Ms.No.304, Finance (Pay Commission) Department dated 28.03.1990, re-introducing Selection Grade and Special Grade by stating that it should be restricted to the first level and second level promotion scale of pay.

3.3 It is stated by the petitioner that as per the said order of the Government, the services rendered on identical scale of pay as well as higher scale of pay in the lower post, can be taken into account to award Selection Grade/Special Grade in the promotional post.

3.4 However, the Government also introduced G.O.Ms.No.216, Finance Department dated 22.03.1993 to protect certain special categories in the matter of award of Selection Grade/Special Grade scales of pay like Office Assistants in all departments and Secondary Grade teachers in the School Education Department, as per which, Selection Grade and Special Grade were directed to be given to the Secondary Grade teachers by counting the services rendered prior to 01.06.1988 on identical scale of pay.

3.5 Subsequently, the Government issued G.O.Ms.No.62, Finance Department dated 09.03.2015 and para 7(2) of the said Government Order shows that the benefits of Selection Grade/Special Grade scales of pay shall be made applicable to the case of Secondary Grade teachers awarded Selection Grade and Special Grade between 01.06.1988 and 31.12.1995.

3.6 Since the petitioner also was granted Selection Grade on 21.02.1991, it is his claim that he is also entitled to grant of fixation of pay scale in the Selection Grade, i.e., Rs.1,640-2,900 as on 21.02.1991.

3.7 In this regard, the petitioner has submitted a representation dated 06.10.2016 to the second respondent, which still remains unconsidered. Hence, the present writ petition seeking the aforestated relief.

4 Inasmuch as the petitioner's representation dated 06.10.2016 still remains unconsidered, this Court directs the respondents to consider and pass orders on the same, 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.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Chief Educational Officer
Nagapattinam District
Nagapattinam
- 2 The Headmaster
Government Higher Secondary School
Thevur 611 109
Nagapattinam District

+1 cc to the Government Pleader sr 41019

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