

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.1915 to 1934/2017

N.Nagaiyya	..	Petitioner in WP.No.1915/2017
C.Dasarathan	..	Petitioner in WP.No.1916/2017
T.Umapathy	..	Petitioner in WP.No.1917/2017
K.Deenadayalan	..	Petitioner in WP.No.1918/2017
M.Umapathy	..	Petitioner in WP.No.1919/2017
S.Balakrishnan	..	Petitioner in WP.No.1920/2017
V.Manibalan	..	Petitioner in WP.No.1921/2017
R.Viswanathan	..	Petitioner in WP.No.1922/2017
C.Saraswathi	..	Petitioner in WP.No.1923/2017
K.Premavathi	..	Petitioner in WP.No.1924/2017
S.Jayapaul	..	Petitioner in WP.No.1925/2017
P.Manimegalai	..	Petitioner in WP.No.1926/2017
M.Perumal	..	Petitioner in WP.No.1927/2017

G.Murugaiyya Naidu	..	Petitioner in WP.No.1928/2017
R.Ponnusamy	..	Petitioner in WP.No.1929/2017
M.Vilvamani	..	Petitioner in WP.No.1930/2017
G.Narayanasamy	..	Petitioner in WP.No.1931/2017
R.Navamani	..	Petitioner in WP.No.1932/2017
R.Navaneetham	..	Petitioner in WP.No.1933/2017
M.Kannabiran	..	Petitioner in WP.No.1934/2017
Vs		
1. The Secretary to Government Government of Tamil Nadu, School Education Department, Fort St. George Chennai 600 009.		
2. The Director of School Education, College Road, Chennai 600006.		
3. The Chief Educational Officer Vellore, Vellore District.	..	Respondents 1 to 3 in all the WPs
4. The Headmaster Municipality Hr.Sec.School Gudiyatham, Vellore District.		.4 th Respondent in WP.No.1915/2017
5. The Headmaster Government High School Kallapadi, Vellore District.		.4 th Respondent in WP.No.1916/2017
6. The Headmaster Government Girls Hr.Sec.School Paradarami, Vellore District.		.4 th Respondent in WP.No.1917/2017

7. The Headmaster
Government High School
Machanur, Vellore District. .4th Respondent
in WP.No.1918/2017
8. The Headmaster
Panchayat Union Elementary School
Machanur, Vellore District. .4th Respondent
in WP.No.1919/2017
9. The Headmaster
Government High School
Valathur, Vellore District. .4th Respondent
in WP.No.1920/2017
10. The Headmaster
R.S.Government High School
Gudiyatham, Vellore District. .4th Respondent
in WP.No.1921/2017
11. The Headmaster
Thiruvalluvar Hr.Sec.School
Gudiyatham, Vellore District. .4th Respondent in
WP.No.1922/2017
12. The Headmaster
Government Hr.Sec.School
Nadupettai, Gudiyatham
Vellore District. .4th Respondent
in WP.No.1923/2017
13. The Headmaster
Government Hr. Sec. School
Adhikarapatti, Vellore District. .4th Respondent
in WP.No.1924/2017
14. The Director,
District Elementary Educational Officer
Vellore, Vellore District. .4th Respondent
in WP.No.1925/2017
15. The Headmaster
Thiruvalluvar Hr. Sec. School
Gudiyatham, Vellore District. .4th Respondent
in WP.Nos.1926 & 1927/2017

16. The Headmaster
Panchayath Union Elementary School
VD Palayam, Gudiyatham,
Vellore District. .4th Respondent
in WP.No.1928/2017
17. The Headmaster
Panchayath Union Elementary School
Paradarami, Gudiyatham
Vellore District. .4th Respondent
in WP.No.1929/2017
18. The Headmaster
Panchayath Union Elementary School
Mudaliyar Yeri, Gudiyatham, Vellore District. .4th Respondent
in WP.No.1930/2017
19. The Headmaster
Government High School
Kallapadi, Vellore District. .4th Respondent
in WP.No.1931/2017
20. The Headmaster
Government Hr. Sec. School
Nellorepettai, Vellore District. .4th Respondent
in WP.No.1932/2017
21. The Headmaster
Municipality Elementary School
Gudiyatham, Vellore District. .4th Respondent
in WP.No.1933/2017
22. The Headmaster
Municipality Hr. Sec. School
Gudiyatham, Vellore District. .4th Respondent
in WP.No.1934/2017

Common Prayer:- Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent to pay the grade pay arrears from 01.01.1996 to 31.12.2005 as per the petitioners' representations dated 30.07.2016 [WP.Nos.1915, 1916, 1918, 1919, 1920, 1921, 1922, 1923, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933 and 1934/2017] and 04.08.2016 [WP.Nos.1917,1924/2017] respectively.

For Petitioners in all
the Writ Petitions : Mr.M.Thamizhavel

For R1 to R3 in all the
Writ Petitions : Mr.K.Dhananjayan, Spl.GP

COMMON ORDER

By consent, the writ petitions are taken up for final disposal, since the issue to be adjudicated is one and the same. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents in all the writ petitions.

2[a] The petitioner in WP.No.1915/2017 was initially appointed as Tamil Pandit at Municipality Higher Secondary School, Gudiyatham, Vellore District, on 13.10.1967 and was awarded selection grade on 01.10.1991 and thereafter, Special Grade and retired from service on 30.06.2000. According to the petitioner, the Government of India had issued orders on 28.01.2013 to count the Grade Pay for the purpose of pensionary benefits and various State Governments had also implemented the same ; whereas the Government of Tamil Nadu is yet to implement the same and in this regard, the petitioner has submitted a representation dated 21.05.2015 and since it has not been considered and disposed of, the petitioner came forward to file the present writ petition.

[b] The petitioner in WP.No.1916/2017 was initially appointed as Physical Education Teacher at Government High School, Melmayil, Vellore District, on 05.10.1966 and was awarded selection grade on 05.10.1976 and thereafter, was awarded Special Grade on 05.10.1986 and retired from service on 30.06.2001. According to the petitioner, the Government of India had issued orders on 28.01.2013 to count the Grade Pay for the purpose of pensionary benefits and various State Governments had also implemented the same ; whereas the Government of Tamil Nadu is yet to implement the same and in this regard, the petitioner has submitted a representation dated 21.05.2015 and since it has not been considered and disposed of, the petitioner came forward to file the present writ petition.

[c] The petitioner in WP.No.1917/2017 was appointed as Physical Education Teacher, at Government High School, Panavaram, Vellore District, on 13.10.1967 and was awarded

selection grade on 29.07.1975 and thereafter, Special Grade on 29.07.1985 and retired from service on 31.07.2002. According to the petitioner, the Government of India had issued orders on 28.01.2013 to count the Grade Pay for the purpose of pensionary benefits and various State Governments had also implemented the same ; whereas the Government of Tamil Nadu is yet to implement the same and in this regard, the petitioner has submitted a representation dated 22.05.2015 and since it has not been considered and disposed of, the petitioner came forward to file the present writ petition.

[d] The petitioner in WP.No.1918/2017 was appointed as Secondary Grade Teacher, at Panchayat Union Middle School, Vadukandangal, Vellore District, on 18.11.1964 and was awarded selection grade on 04.01.1975 and thereafter, Special Grade on 04.01.1985 and retired from service on 31.05.1998. According to the petitioner, the Government of India had issued orders on 28.01.2013 to count the Grade Pay for the purpose of pensionary benefits and various State Governments had also implemented the same ; whereas the Government of Tamil Nadu is yet to implement the same and in this regard, the petitioner has submitted a representation dated 22.05.2015 and since it has not been considered and disposed of, the petitioner came forward to file the present writ petition.

[e] The petitioner in WP.No.1919/2017 was appointed as Junior Grade Teacher, at Panchayat Union Elementary School, Kalyana Peruyangkuppam, Vellore District, on 01.08.1970 and was awarded selection grade on 01.01.1981 and thereafter, Special Grade on 01.01.1991 and retired from service on 31.07.2002. According to the petitioner, the Government of India had issued orders on 28.01.2013 to count the Grade Pay for the purpose of pensionary benefits and various State Governments had also implemented the same ; whereas the Government of Tamil Nadu is yet to implement the same and in this regard, the petitioner has submitted a representation dated 22.05.2015 and since it has not been considered and disposed of, the petitioner came forward to file the present writ petition.

[f] The petitioner in WP.No.1920/2017 was appointed as Drawing Master, at Government High School, Nelliyanakulam, Vandavasi Taluk, on 15.10.1968 and was awarded selection grade on 15.10.1978 and thereafter, Special Grade on 15.10.1988 and retired from service on 30.11.2005. According to the petitioner, the Government of India had issued orders on 28.01.2013 to count the Grade Pay for the purpose of pensionary benefits and various State Governments had also implemented the same ; whereas the Government of Tamil Nadu is yet to implement

the same and in this regard, the petitioner has submitted a representation dated 25.05.2015 and since it has not been considered and disposed of, the petitioner came forward to file the present writ petition.

[g] The petitioner in WP.No.1921/2017 was appointed as BT Assistant Teacher, at Government High School, Punnai Pudupalayam, Thiruvannamalai District, on 23.11.1973 and was awarded selection grade on 22.11.1983 and thereafter, Special Grade on 22.11.1993 and retired from service on 31.10.2003. According to the petitioner, the Government of India had issued orders on 28.01.2013 to count the Grade Pay for the purpose of pensionary benefits and various State Governments had also implemented the same ; whereas the Government of Tamil Nadu is yet to implement the same and in this regard, the petitioner has submitted a representation dated 25.05.2015 and since it has not been considered and disposed of, the petitioner came forward to file the present writ petition.

[h] The petitioner in WP.No.1922/2017 was appointed as BT Assistant Teacher, at Thiruvalluvar Higher Secondary School, Gudiyatham, Vellore District, on 27.06.1972 and was awarded selection grade on 27.06.1982 and thereafter, Special Grade on 27.06.1992 and retired from service on 30.06.2001. According to the petitioner, the Government of India had issued orders on 28.01.2013 to count the Grade Pay for the purpose of pensionary benefits and various State Governments had also implemented the same ; whereas the Government of Tamil Nadu is yet to implement the same and in this regard, the petitioner has submitted a representation dated 29.05.2015 and since it has not been considered and disposed of, the petitioner came forward to file the present writ petition.

[i] The petitioner in WP.No.1923/2017 was appointed as Secondary Grade Teacher, at Municipality Elementary School, Gudiyatham, Vellore District, on 27.06.1972 and was awarded selection grade on 27.02.1991 and thereafter, he was promoted as Tamil Pandit and retired from service on 31.08.1997. According to the petitioner, the Government of India had issued orders on 28.01.2013 to count the Grade Pay for the purpose of pensionary benefits and various State Governments had also implemented the same ; whereas the Government of Tamil Nadu is yet to implement the same and in this regard, the petitioner has submitted a representation dated 17.06.2015 and since it has not been considered and disposed of, the petitioner came forward to file the present writ petition.

[j] The petitioner in WP.No.1924/2017 was appointed as Secondary Grade Teacher, at Government Girls Higher Secondary School, Pallikonda, Vellore District, on 17.08.1972 and was awarded selection grade on 17.08.1982 and thereafter, Special Grade on 17.08.1992 and retired from service on 31.05.1996. According to the petitioner, the Government of India had issued orders on 28.01.2013 to count the Grade Pay for the purpose of pensionary benefits and various State Governments had also implemented the same ; whereas the Government of Tamil Nadu is yet to implement the same and in this regard, the petitioner has submitted a representation dated 22.06.2015 and since it has not been considered and disposed of, the petitioner came forward to file the present writ petition.

[k] The petitioner in WP.No.1925/2017 was appointed as Secondary Grade Teacher, at Panchayat Union Middle School, Anpoondi, Vellore District, on 13.10.1972 and was awarded selection grade on 13.10.1982 and thereafter, Special Grade on 13.10.1992 and retired from service on 30.06.2005. According to the petitioner, the Government of India had issued orders on 28.01.2013 to count the Grade Pay for the purpose of pensionary benefits and various State Governments had also implemented the same ; whereas the Government of Tamil Nadu is yet to implement the same and in this regard, the petitioner has submitted a representation dated 26.06.2015 and since it has not been considered and disposed of, the petitioner came forward to file the present writ petition.

[l] The petitioner in WP.No.1926/2017 was appointed as Secondary Grade Teacher, at Thiruvalluvar Higher Secondary School, Gudiyatham, Vellore District, on 08.08.1966 and was awarded selection grade on 08.08.1976 and thereafter, Special Grade on 08.08.1986 and retired from service on 31.01.2000. According to the petitioner, the Government of India had issued orders on 28.01.2013 to count the Grade Pay for the purpose of pensionary benefits and various State Governments had also implemented the same ; whereas the Government of Tamil Nadu is yet to implement the same and in this regard, the petitioner has submitted a representation dated 26.06.2015 and since it has not been considered and disposed of, the petitioner came forward to file the present writ petition.

[m] The petitioner in WP.No.1927/2017 was appointed as Office Assistant at Thiruvalluvar Higher Secondary School, Gudiyatham, Vellore District, on 01.09.1962 and was awarded selection grade on 01.09.1972 and thereafter, Special Grade on 01.09.1982 and retired from service on 31.05.2002. According to the petitioner, the Government of India had issued orders on

28.01.2013 to count the Grade Pay for the purpose of pensionary benefits and various State Governments had also implemented the same ; whereas the Government of Tamil Nadu is yet to implement the same and in this regard, the petitioner has submitted a representation dated 30.06.2015 and since it has not been considered and disposed of, the petitioner came forward to file the present writ petition.

[n] The petitioner in WP.No.1928/2017 was appointed as Secondary Grade Teacher, at Panchayat Union Elementary School, V.D.Palayam, Vellore District, on 13.07.1966 and was awarded selection grade on 13.07.1976 and thereafter, Special Grade on 13.07.1986 and retired from service on 31.10.2001. According to the petitioner, the Government of India had issued orders on 28.01.2013 to count the Grade Pay for the purpose of pensionary benefits and various State Governments had also implemented the same ; whereas the Government of Tamil Nadu is yet to implement the same and in this regard, the petitioner has submitted a representation dated 06.07.2015 and since it has not been considered and disposed of, the petitioner came forward to file the present writ petition.

[o] The petitioner in WP.No.1929/2017 was appointed as Secondary Grade Teacher, at Panchayat Union Elementary School, Paradarami, Vellore District, on 01.06.1966 and was awarded selection grade on 01.06.1976 and thereafter, Special Grade on 01.06.1988 and retired from service on 31.05.2001. According to the petitioner, the Government of India had issued orders on 28.01.2013 to count the Grade Pay for the purpose of pensionary benefits and various State Governments had also implemented the same ; whereas the Government of Tamil Nadu is yet to implement the same and in this regard, the petitioner has submitted a representation dated 06.07.2015 and since it has not been considered and disposed of, the petitioner came forward to file the present writ petition.

[p] The petitioner in WP.No.1930/2017 was appointed as Secondary Grade Teacher, at Panchayat Union Elementary School, Mudaliyar Yeri, Gudiyatham, Vellore District, on 14.06.1966 and was awarded selection grade on 14.06.1976 and thereafter, Special Grade on 10.01.1986 and retired from service on 31.05.1998. According to the petitioner, the Government of India had issued orders on 28.01.2013 to count the Grade Pay for the purpose of pensionary benefits and various State Governments had also implemented the same ; whereas the Government of Tamil Nadu is yet to implement the same and in this regard, the petitioner has submitted a representation dated 06.07.2015 and since it has not been considered and disposed of, the petitioner came forward to file the present writ petition.

[q] The petitioner in WP.No.1931/2017 was appointed as Secondary Grade Teacher, at Government High School, Kallapadi, Vellore District, on 04.08.1964 and was awarded selection grade on 01.04.1974 and thereafter, Special Grade on 01.04.1984 and retired from service on 31.05.2000. According to the petitioner, the Government of India had issued orders on 28.01.2013 to count the Grade Pay for the purpose of pensionary benefits and various State Governments had also implemented the same ; whereas the Government of Tamil Nadu is yet to implement the same and in this regard, the petitioner has submitted a representation dated 10.07.2015 and since it has not been considered and disposed of, the petitioner came forward to file the present writ petition.

[r] The petitioner in WP.No.1931/2017 was appointed as B.T. Assistant, at Government High School, Agravaram, Gudiyatham, Vellore District, on 03.06.1970 and was awarded selection grade on 13.06.1980 and thereafter, she was promoted as P.G. Assistant and was Special Grade on 29.10.1995 and retired from service on 31.05.2005. According to the petitioner, the Government of India had issued orders on 28.01.2013 to count the Grade Pay for the purpose of pensionary benefits and various State Governments had also implemented the same ; whereas the Government of Tamil Nadu is yet to implement the same and in this regard, the petitioner has submitted a representation dated 13.07.2015 and since it has not been considered and disposed of, the petitioner came forward to file the present writ petition.

[s] The petitioner in WP.No.1933/2017 was appointed as Secondary Grade Teacher, at Government Higher Secondary School, Agaramcheri, Vellore District, on 26.10.1971 and was promoted as Tamil Pandit and was awarded selection grade on 16.03.1992 and thereafter, Special Grade on 16.02.2002 and retired from service on 30.06.2004. According to the petitioner, the Government of India had issued orders on 28.01.2013 to count the Grade Pay for the purpose of pensionary benefits and various State Governments had also implemented the same ; whereas the Government of Tamil Nadu is yet to implement the same and in this regard, the petitioner has submitted a representation dated 06.08.2015 and since it has not been considered and disposed of, the petitioner came forward to file the present writ petition.

[t] The petitioner in WP.No.1930/2017 is the husband of Mrs.R.Saroja, who was appointed as Secondary Grade Teacher, at Municipality Higher Secondary School, Gudiyatham, Vellore District, on 07.10.1965 and she was awarded selection grade on 17.06.1992 and retired from service on 31.05.1997. Subsequently, the wife of the petitioner also died. According to the petitioner, the Government of India had issued orders on 28.01.2013 to count the Grade Pay for the purpose of pensionary benefits and various State Governments had also implemented the same ; whereas the Government of Tamil Nadu is yet to implement the same and in this regard, the petitioner has submitted a representation dated 30.07.2016 and since it has not been considered and disposed of, the petitioner came forward to file the present writ petition.

3 Mr.M.Tamizhavel, learned counsel appearing for the petitioners has drawn the attention of this Court to the typed set of documents and would submit that in similar facts and circumstances, this Court had passed the following orders:-

[a] order dated 12.10.2015 made in WP.No.32477/2015 [R.Sriraman vs. Government of Tamil Nadu rep. by its Secretary to Government, School Education Department, Chennai-9] ;

[b] order dated 11.01.2016 made in WP.No.872/2016 [T.R.Sadagopan Vs. Government of Tamil Nadu rep.by the Secretary to Government, School Education Department, Chennai-9 and 3 others] ; and

[c] Common order dated 29.09.2016 made in WP.Nos.34239 to 34263/2016 [K.R.Gopal and 24 others Vs. The Secretary to Government, Government of Tamil Nadu, School Education Department, Chennai - 9 and 3 others], and would submit that this Court, while disposing of those writ petitions, had taken into consideration, the orders passed by the Government of India and the implementation done by various State Governments and directed the respondents therein, which include the 1st respondent herein, to consider their representations and dispose of the same in accordance with law within a stipulated time and prays for similar orders and would further add that the petitioners had also submitted reminder representations during July and August 2016 and that the representations may be directed to be disposed of on merits and in accordance with law.

4 Per contra, Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents would contend that the petitioners had approached this Court after a lapse of very many years and therefore, their claim is hit by delay and laches and at this distant point of time, their request cannot be considered and prays for dismissal of these writ petitions.

5 This Court has carefully considered the rival submissions and also perused the materials placed before it.

6 This Court in the above cited orders, has directed the respondents therein to consider and dispose of the representations submitted by the petitioners therein and according to the learned counsel for the petitioners, the petitioners herein are also similarly placed and therefore, similar kind of orders may be passed.

7 This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioners, either in their representations or in these writ petitions, directs the 1st respondent herein to consider and dispose of the petitioners' individual representations submitted on various dates and also the reminder representations submitted during July and August 2016, on merits and in accordance with law and pass a period of three months from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

8 The writ petitions stand disposed of with the above direction. No costs.

s/d-
Assistant Registrar (CS IV)

//True Copy//

Sub-Assistant Registrar

सत्यमेव जयते

To

1. The Secretary to Government
Government of Tamil Nadu, School Education
Department, Fort St. George
Chennai 600 009.
2. The Director of School Education,
College Road, Chennai 600006.
3. The Chief Educational Officer
Vellore, Vellore District.

4. The Headmaster
Municipality Hr.Sec.School
Gudiyatham, Vellore District.
5. The Headmaster
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 22. The Headmaster
Municipality Hr. Sec. School
Gudiyatham, Vellore District.
- +1 CC to M/s. M. Thamizhavel, Advocate sr 6021
+1 CC to The Govt. Pleader sr 5968

W.P.Nos.1915 to 1934/2017

KJ(CO)
sp/14/2

सत्यमेव जयते

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