

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.21604 to 21613 of 2016

S.Pasupathy	..	Petitioner in WP No.21604 of 2016
K.Govindasamy	..	Petitioner in WP No.21605 of 2016
G.Samynathan	..	Petitioner in WP No.21606 of 2016
P.Ganesan	..	Petitioner in WP No.21607 of 2016
E.Elappan	..	Petitioner in WP No.21608 of 2016
N.Dayalan	..	Petitioner in WP No.21609 of 2016
V.Sundaravarathan	..	Petitioner in WP No.21610 of 2016
M.Venkatachalam	..	Petitioner in WP No.21611 of 2016
N.Ranganayagi	..	Petitioner in WP No.21612 of 2016
D.Ramadoss	..	Petitioner in WP No.21613 of 2016

-vs-

1. The Government of Tamil Nadu
rep.by its Secretary to 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
Villupuram District
Villupuram
4. The Assistant Elementary Educational Officer
Marakkanam Panchayat Union
Marakkanam, Villupuram District .. Respondents in all
the W.P's

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the second respondent in Na.Ka.No.29491/E1/2014 dated 08.10.2014 and quash the same in so far as it relates to the petitioners are concerned and direct the respondents to fix the pay of the petitioners in Selection Grade / Special Grade in the post of Elementary School Headmaster by taking into account their entire

services as Secondary Grade Assistant Teacher and Elementary School Headmaster by extending the benefits of G.O.Ms.No.234 School Education (G2) Department dated 10.09.2009 in favour of the petitioners and pay the arrears with other consequential benefits.

For Petitioners :: Mr.A.S.Kaizer

For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

The petitioners have filed these writ petitions with a common prayer for issuance of a writ of certiorarified mandamus, calling for the records relating to the impugned order of the second respondent in Na.Ka.No.29491/E1/2014 dated 08.10.2014 and quash the same in so far as it relates to the petitioners are concerned and direct the respondents to fix the pay of the petitioners in Selection Grade / Special Grade in the post of Elementary School Headmaster by taking into account their entire services as Secondary Grade Assistant Teacher and Elementary School Headmaster by extending the benefits of G.O.Ms.No.234 School Education (G2) Department dated 10.09.2009 in favour of the petitioners and pay the arrears with other consequential benefits.

2. When the matters were taken up for hearing, the learned Special Government Pleader for the respondents, placing on record a detailed order passed by this Court in a batch of writ petitions in W.P.Nos.26459 of 2010 etc., dated 15.12.2016 (K.Venkatasamy v. The Director, Directorate of School Education, Chennai), submitted that a similar issue was already considered by this Court and finally all the writ petitions were dismissed, upholding the approach adopted by the Principal Accountant General refusing to extend the benefit of G.O.Ms.No.234 dated 10.9.2009 to some of the petitioners therein, on the ground of delay and laches, holding as follows:-

"29. Applying the above decision rendered by the Honouble 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."

3. In the light of the above order upholding the approach adopted by the Principal Accountant General refusing to extend the benefit of G.O.Ms.No.234 dated 10.9.2009 to some of the petitioners therein and dismissing all the writ petitions on the ground of delay and laches, these writ petitions are dismissed holding the petitioners herein guilty of delay and laches. No costs.

Sd/-

Assistant Registrar(CS III)

/TRUE COPY/

Sub Assistant Registrar

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To

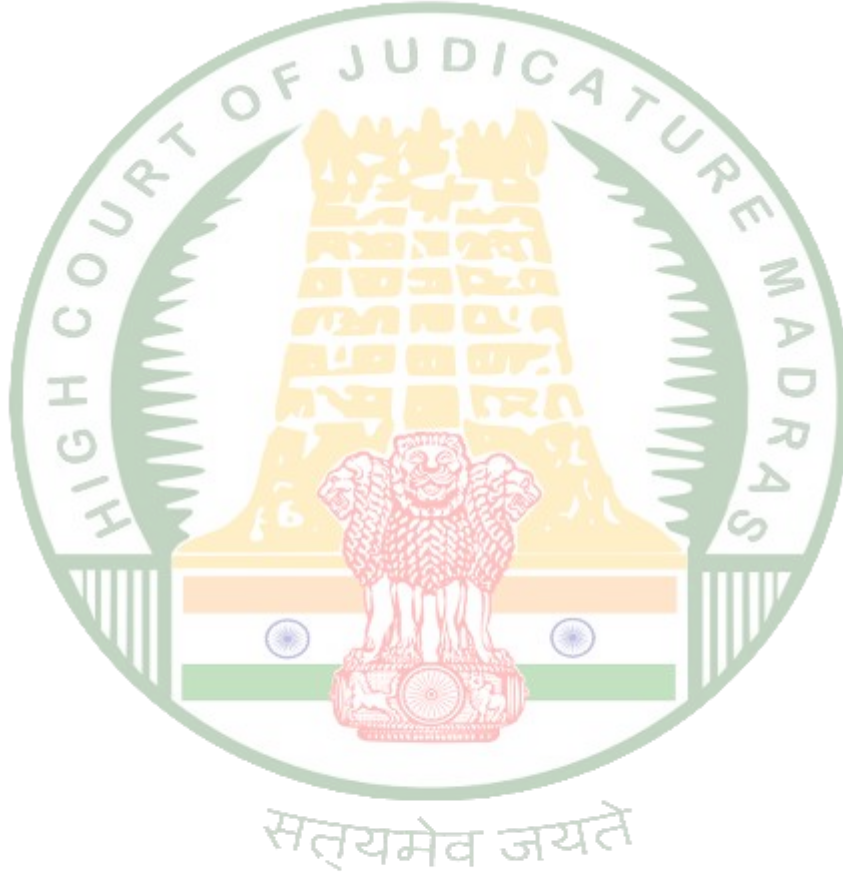
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+1 C.C. to M/S. Government Pleader SR.NO. 72636

W.P.Nos.21604 to 21613 of 2016

MP (CO)
T.R (10/11/2017)



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