

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Date: 11.08.2017****CORAM:**

**THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
AND
THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**

**W.A. (MD) No. 883 of 2014
and
M.P (MD) .No.1 of 2014**

1. The Principal Secretary to Government
School Education (G2) Department,
Chennai.
2. The Director of Elementary Education,
College Road, Chennai.
3. The District Elementary Educational Officer,
Collectrate, Karur District.
4. The Assistant Elementary Educational Officer,
Kulithalai, Karur District. .. Appellants/Respondents.

Vs.

R.Nagarajan ...Respondent/Writ Petitioner.

PRAYER: Appeal is filed under Clause 15 of the Letter Patent, against the order dated 21.04.2014 passed by the learned Single Judge in W.P.(MD)No. 18519 of 2013 on the file of this Court.

Prayer in WP(MD). 18519/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to extend the benefits of G.O.MS.No.234 education (G2) Department dated 10.9.2009 and to count the service rendered by the petitioner prior to 1.6.1988 as Secondary Grade Teacher for the purpose of fixation and grant of selection and special Grade Scale of Pay in the post of Primary School Headmaster with all cosequential benefits including payment of arrears of pay and allowances and re-fixation of pension and payment of arrears applicable to the petitioner.



For Appellants : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

For Respondent : Mr.B.Saravanan

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JUDGMENT

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

This Writ appeal is directed against the order dated 21.04.2014 made in W.P(MD).No.18519 of 2013 filed by the respondent herein.

2.The respondent herein was originally appointed as Secondary Grade Teacher in the year 1969. He became Elementary School Headmaster in the year 1994 and retired in the year 2003. The persons, who are similarly placed were conferred the benefit of conferment of Selection and Special Grade by counting the entire length of service in the post of Secondary Grade Teacher as well as the Elementary School Headmaster. The respondent wanted extension of benefit as per G.O.Ms.No.234 (Finance) Department, dated 10.09.2009 in his case also. In other words, he wanted the service rendered by him prior to 01.06.1989 as Secondary School Teacher counted for the purpose of fixation and grant of Selection and Special Grade Scale of pay in the post of Primary School Headmaster with all consequential benefits.

3. The learned Single Judge taking note of the decision rendered in similar case, allowed the Writ petition by order dated 21.04.2014. Aggrieved by the same, this Writ appeal has been filed. This issue is no longer *res-integra*. It has been answered in favour of the employee and against the Government in the Full Bench decision rendered in **(2017) 2 MLJ 257 (FB)- The Government of Tamilnadu, represented by the Secretary, School Education Department, Fort.St.George, Chennai 9 and others Vs.G.Eswaran and others.**

4.There is no merit in the Writ appeal and it stands dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government
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Chennai.



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Collectrate, Karur District.

4. The Assistant Elementary Educational Officer,
Kulithalai, Karur District.

+ 1 cc TO Mr.B.Saravanan , Advocate in SR No. 72442

msa

AE/MR KKR/SAR1/06.11.2017/3P/6C

W.A. (MD) No.883 of 2014
and
M.P (MD) .No.1 of 2014
11.08.2017