



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. (MD) Nos. 361 to 363, 374 to 382 of 2015,
and 12 to 17 of 2016

and

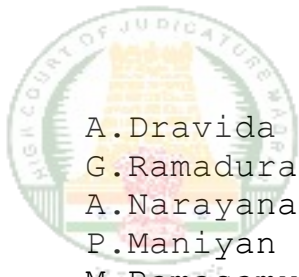
All connected Civil Miscellaneous Petitions

W.A. (MD) No.361 of 2015

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,
Collectorate, Karur District, Karur.
4. The Additional/ Assistant Elementary
Educational Officer,
Krishnarayapuram,
Karur District. ..Appellants in WA(MD)No. 361 & 362 of 2015
WA(MD)No. 374 to 382 of 2015 and
12 to 17 of 2016
5. The Assistant Elementary Educational Officer,
Municipal Complex, Asath Road,
Karur. ...Appellant in 363 of 2015

Vs.

M.Aariyan	..	Respondent in	WA (MD) No.361 of 2015
N.Gopal	..	Respondent in	WA (MD) No.362 of 2015
K.Manickam	..	Respondent in	WA (MD) No.363 of 2015
G.Sinamani	..	Respondent in	WA (MD) No.374 of 2015
M.Lakshmi	..	Respondent in	WA (MD) No.375 of 2015
M.Backiyalakshmi	..	Respondent in	WA (MD) No.376 of 2015
K.Karuppanan	..	Respondent in	WA (MD) No.377 of 2015
R.Sasikaladevi	..	Respondent in	WA (MD) No.378 of 2015
A.Santhakumari	..	Respondent in	WA (MD) No.379 of 2015
K.Chandrasekhar	..	Respondent in	WA (MD) No.380 of 2015
R.Venkatachalam	..	Respondent in	WA (MD) No.381 of 2015



A.Dravida Rani	.. Respondent in	WA(MD)No.382 of 2015
G.Ramadurai	.. Respondent in	WA(MD)No.12 of 2015
A.Narayanasamy	.. Respondent in	WA(MD)No.13 of 2015
P.Maniyan	.. Respondent in	WA(MD)No.14 of 2015
M.Ramasamy	.. Respondent in	WA(MD)No.15 of 2015
M.Thangavelu	.. Respondent in	WA(MD)No.16 of 2015
K.Muthusamy	.. Respondent in	WA(MD)No.17 of 2015

PRAYER in W.A.(MD) Nos.361 to 363 of 2015: Writ Appeals are filed under Clause 15 of the Letter Patent to set aside the common order dated 28.10.2013 in W.P.(MD).No.15023 of 2012, 15025/12,15026/12.

Prayer in WA(MD) No.374 of 2015 to 382 of 2015

Writ Appeals are filed under clause 15 of Letter Patent to set aside the order dated 19.08.2013 in WP(MD)Nos.13554 of 2013, WP(MD)No.13546 of 2013, WP(MD)No.13547 of 2013, WP(MD)No.13548 of 2013, WP(MD)13549 of 2013, WP(MD)13552 of 2013, WP(MD)No.13553 of 2013, WP(MD)No.13559 of 2013 and WP(MD) No.13561 of 2013.

Prayer in WA(MD)No.12 to 17 of 2016

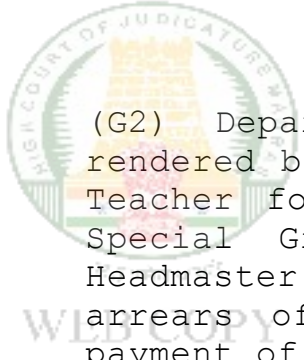
Writ Appeals are filed under clause 15 of Letter Patent to set aside the order dated 17/06/2013 in WP(MD)No.9422 of 2013,9425,9427,9428,9429 and 9430 of 2013.

Prayer in WP (MD) No.15023 of 2012, WP(MD)No.15025 of 2012 & WP(MD)No.15026 of 2012:

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 the government orders in G.O.Ms.No.210 dated 14.08.2009 and G.O.Ms.No.190 dated 12.07.2010 in favour of the petitioner and further directing the respondents to count the service rendered by the petitioner before 01.06.1988 as Secondary Grade Teacher and Elementary School Headmaster for the purpose of fixation of Selection Grade/Special Grade scale of pay in the post of Middle School Graduate Headmaster and further to grant arrears of pay to the petitioner.

Common Prayer in WP(MD)Nos.13554 of 2013, WP(MD)No.13546 of 2013, WP(MD)No.13547 of 2013, WP(MD)No.13548 of 2013, WP(MD)13549 of 2013, WP(MD)13552 of 2013, WP(MD)No.13553 of 2013, WP(MD)No.13559 of 2013 and WP(MD) No.13561 of 2013 and WP(MD)No.9422 of 2013 9425,9427 to 9430 of 2013:

<https://hcservices.ecourts.gov.in/hcservices/> 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 10.09.2009 and to count the services rendered by the petitioner prior to 01.06.1988 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 consequential 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.Mohamed Mohideen, AGP
For respondent	: Mr.B.Saravanan

COMMON JUDGMENT

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

These writ appeals are directed against the order dated 28.10.2013, 19.08.2013 and 17.06.2013 made in respective W.P.(MD). No.15020 of 2012 and etc. batch, 13546 of 2013 and etc. batch and 9422 of 2013 and etc. batch filed by the respective respondents herein.

2. The respondents herein were originally appointed as Secondary Grade Teachers in various schools. They were later promoted as Headmasters in Elementary Schools. Finally, they attained superannuation. The grievance of the respondents is that the entire length of service rendered by them both as Secondary Grade Teachers as well as the Headmasters was not taken into account for the purpose of awarding the Selection Grade as well as the Special Grade in the post of Primary School Headmaster. In this regard, the Government issued G.O.(M.s) No.234, School Education (G2) Department, dated 10.09.2009, in favour of certain individuals. The respondents herein wanted extension of the same benefit in their favour. The Government did not respond to their request. Hence, they filed the writ petitions. The writ petitions were allowed. Aggrieved by the same, the present writ appeals have been filed.

3. The issue involved in these Writ Appeals is no longer res-integra. The Full Bench decision rendered in **(2017) 2 MLJ 257 (FB) - the Government of Tamil Nadu, represented by the Secretary, School Education Department, Fort St. George, Chennai-9 and others Vs. G.Eswaran and others**, has already ruled against the Government and in favour of the retired employees. Since the issue raised in these Writ Appeals is covered by the said Full Bench Judgment, we have to necessarily dismiss the Writ Appeals.



4. Accordingly, these Writ Appeals stand dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

WEB COPY

/True Copy/

Sub Assistant Registrar

To:

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,
Collectorate, Karur District, Karur.
4. The Additional/ Assistant Elementary
Educational Officer,
Krishnarayapuram, Karur District.
5. The Assistant Elementary Educational Officer,
Municipal Complex, Asath Road,
Karur.

+3cc to Mr.B.Saravanan, Advocate Sr.No.72443 to 72445

+1cc to The Spl.Government Pleader Sr.No.72889, 72890

KM

VB/MR/KKR/SAR1/26/10/2017/4P/10C

**W.A. (MD) Nos.361 to 363, 374 to 382 of 2015,
12 to 17 of 2016
11.08.2017**