



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.03.2012

CORAM:
THE HONOURABLE MR.JUSTICE N.PAUL VASANTHAKUMAR

WEB COPY

W.P. (MD) .No.13467 of 2011

P.Thavamani @ Jeyalakshmi

: Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by the Secretary to Government,
Backward Classes, Most Backward Classes
and Minorities Welfare (B.C.III) Department,
Fort.St.George, Chennai 600 009.
2. The State of Tamil Nadu,
Rep by the Principal Secretary to Government,
School Education Department,
Fort.St.George, Chennai 600 009.
3. The Commissioner of Most Backward Classes
and Denotified Communities,
Chepauk, Chennai 600 005.
- 4.The Joint Director,
Kallar Reclamation, Madurai 625 020.
5. The Headmaster,
Government Kallar Higher Secondary School,
Melauppanur 625 706,
Madurai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus directing the respondents to extend to the petitioner the benefit of G.O.Ms.No.258, School Education (M.1), Department, dated 06.09.2010, which was implemented in pursuance of the order dated 14.07.2009 of the Division Bench in W.P.No.8747 of 2009.

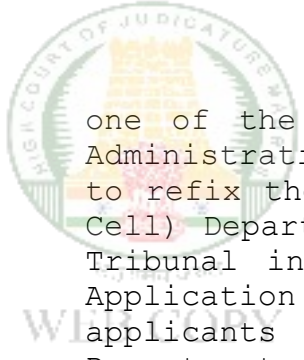
For Petitioner : Mr.B.Alagarsamy

For Respondents : Mr.S.Chandrasekar, Government Advocate

ORDER

The prayer in the Writ Petition is to issue a Writ of Mandamus directing the respondents to extend the benefit of G.O.Ms.No.258, School Education (M.1), Department, dated 06.09.2010, which was implemented in pursuance of the order dated 14.07.2009 made W.P.No.8747 of 2009.

2. The case of the petitioner is that she was appointed as a Secondary Grade Teacher on 01.09.1979 and was awarded Selection Grade and Special Grade after completion of ten and years on 01.09.1989 and 01.09.1999 respectively and she retired from service on 31.03.2005. When



one of the persons, by name, N.Govindarajan approached the Tamil Nadu Administrative Tribunal by filing O.A.No.8276 of 1997 seeking a direction to refix the scale of pay to him in terms of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993, the learned Tamil Nadu Administrative Tribunal in its order dated 7th October 1998 allowed the said Original Application and directed the respondents to refix the scale of pay of the applicants therein in terms of the G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993. When the correctness of the said order was challenged before this Court by filing W.P.No.8747 of 2009, a Division Bench of this Court, by order dated 14.07.2009, dismissed the said Writ Petition and affirmed the order passed by the Tribunal and also imposed costs of Rs.10,000/- payable by the departments. The said order of the Division Bench dated 14.07.2009 was challenged before the Hon'ble Supreme Court by filing Special Leave Petition in C.C.No.2746 of 2010 and the same was also dismissed by order dated 23.04.2010.

3. Similar issues were considered by this Court in the following decisions:

(i). W.P.(MD).Nos.9713 to 9718, 10871 to 10878, 12154 to 12157, 12454 to 12457, 9796 and 9797, 14239 to 14244 and 13677 of 2011, dated 20.12.2011.

(ii). W.P.(MD)Nos.7233 to 7239 of 2011, dated 15.02.2012.

4. The learned Government Advocate appearing for the respondents submitted that no appeal is preferred so far against the said orders dated 20.12.2011 made in W.P.(MD).Nos.9713 to 9718 and batch and W.P.(MD) Nos.7233 to 7239 of 2011 dated 15.02.2012.

5. Since the issue has already been dealt with by this Court extensively resulting in allowing the Writ Petitions as per the orders dated 20.12.2011 and 15.02.2012, in my considered opinion, there is no scope for a fresh adjudication of the very same issues at the instance of others.

6. Following the said orders, the petitioner is directed to make a detailed representation before the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider the same and pass appropriate orders extending the benefit of G.O.Ms.No.258, School Education (M.1), Department, dated 06.09.2010, within a period of three months thereafter. No Costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

NB

To

1. The Secretary to Government,
Backward Classes, Most Backward Classes
and Minorities Welfare (B.C.III) Department,
Fort.St.George, Chennai 600 009.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The State of Tamil Nadu,
Rep by the Principal Secretary to Government,



School Education Department,
Fort.St.George, Chennai 600 009.

3. The Commissioner of Most Backward Classes
and Denotified Communities,
Chepauk, Chennai 600 005.

4. The Joint Director,
Kallar Reclamation, Madurai 625 020 .

5. The Headmaster,
Government Kallar Higher Secondary School,
Melaaurappanur 625 706,
Madurai District.

+1CC TO THE MR.B.ALAGARSAMY, ADVOCATE SR. NO.9333

RG:23/04/2012 3P/7C

ORDER MADE IN
W.P. (MD) .No.13467 of 2011
26.03.2012