



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM
AND

THE HONOURABLE MR. JUSTICE P. VELMURUGAN

W.A. [MD]. No. 966 of 2013

and

M.P (MD) No. 2 of 2013

1. The Secretary to Government of Tamil Nadu,
Backward Classes and Most Backward Classes,
and Denotified Tribes Welfare Department,
Secretariat, Chennai - 600 009.
2. Director of Most Backward Classes and
Denotified Tribes, Chepauk,
Chennai - 600 005.
3. District Revenue Officer and Officer for
Kallaru Reclamation,
(Now the post was converted as Joint director for Kallar
Reclamation)
Madurai - 20.

... Appellants/Respondents 1 to 3

Vs.

Karunamoorthy

... Respondent/Writ Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order passed by this Court, dated 20.03.2012 in W.P. (MD). No. 11579 of 2011.

Prayer in WP(MD). 11579/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARI FIED MANDAMUS, calling for the records connected with the impugned order passed by the 2nd Respondent in his proceedings No. B2/9151/2010, dated 29-08-2011 and quash the same and consequently direct the 2nd Respondent to sanction the increment, Selection Grade, Special Grade from the date of his regularization with effect from 30-09-1986 as full time Craft Teacher with attendant monetary and other benefit including retirement benefits within a reasonable time.

For Appellants

: Mr. V. Muruganandham
Additional Government Pleader

For Respondent

: Mr. R. Renga Ramanujam

**J U D G M E N T**

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.V.Muruganandham, learned Additional Government Pleader appearing for the appellants and Mr.R.Renga Ramanujam, learned counsel appearing for the respondent.

2. The writ appeal is filed by the Government challenging the order passed in W.P.(MD).No.11579 of 2011, dated 20.03.2012. The said writ petition was filed by the respondent herein challenging the proceedings of the second appellant, dated 29.08.2011 and to direct the second appellant to sanction increment, selection grade, special grade from the date of his regularization with effect from 30.09.1986 as full-time Craft Teacher with attendant, monetary and other benefits including retirement benefits.

3. The case of the respondent is that he was appointed on 30.06.1986 as part-time Craft Teacher in Government Kallar Reclamation School, Vellaiammalpuram, Theni District, as per the order of the third appellant, dated 20.06.1986. The respondent had passed the Technical Examination in Agriculture in the year 1977 and also a Technical Training for three months. He was fully qualified to hold the post of full-time Craft Teacher and also entitled to be brought under the time scale of pay in terms of G.O.Ms.No.1366, Education Department, dated 05.09.1986. The respondent/Writ Petitioner was brought in the time scale of pay by proceedings dated 25.01.1988, which states that in accordance with the provisions contemplated as per G.O.Ms.No.1366, (Education) Department, dated 15.09.1986. The services of the respondent/Writ Petitioner is regularised in the cadre of Craft Instructor with effect from 30.06.1986 and his pay was fixed in the time scale of Rs.610-20-1075. The respondent/Writ Petitioner was also permitted to draw the arrears of time scale of pay with effect from 15.09.1986. The respondent/Writ Petitioner has thus been discharging his duty as full-time Craft Teacher and his services was also utilized as a regular Secondary Grade Teacher, whenever there was a vacancy in the post of Secondary Grade Teachers. Thus, taking into consideration the effective work done by the respondent/Writ Petitioner, the Government had decided to convert the post of Craft Teacher as a Secondary Grade Teacher, so that the respondent/Writ Petitioner's service can be better utilised. Accordingly, the Government also took a decision to the said effect and due to the conversion and inclusion of the respondent/Writ Petitioner's name in the seniority list of Secondary Grade Teacher from the date of conversion, his career advancement was also assured for being considered for promotion to the post of Primary School Headmaster. Thus, the respondent/Writ Petitioner would contend that since he has worked as a full-time Craft Teacher holding additional responsibility, he is entitled to draw increments to the said post and periodical annual increments,



Selection Grade and Special Grade, which were not paid to him. Therefore, the petitioner filed W.P.No.669 of 2008 and the said Writ Petition was dismissed giving liberty to the petitioner to submit a representation to the appellants 2 and 3 herein in respect of the grant of increments, selection grade and special grade and the appellants were directed to pass orders on the said representation. Pursuant to which, an order came to be passed on 29.08.2011, which was impugned in the Writ Petition.

4. The learned Single Judge considered the correctness of the impugned order and took note of the fact that it is not in dispute that the respondent/Writ Petitioner has passed SSLC within the time stipulated in the said Government Order viz., G.O.Ms.No.1366, Education Department, dated 05.09.1986 and by a subsequent Government Order in G.O.Ms.No.1105, Education Department, dated 22.08.1989, while granting selection grade and special grade to middle school teachers, relevant scales of pay to all, working in all cadres of management, subject to the condition that they should qualify themselves with SSLC. Further, the learned Judge took into consideration the order passed by the Division Bench in W.P.No.12066 of 1999 dated 27.07.2011, which was followed in W.P.No.29325 of 2004 dated 05.11.2004 and taking note of the factual as well as the legal position, allowed the writ petition.

5. In our considered view, the appellants have not made out any case to interfere with the impugned order nor they have been able to get over the decision of the Division Bench, which was taken note of and followed by the learned single Judge, while allowing the Writ Petition. Thus, we find no good grounds to interfere with the order impugned. Accordingly the Writ Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Records)

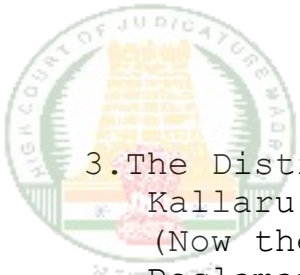
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Sub Assistant Registrar

To

1.The Secretary to Government of Tamil Nadu,
Backward Classes and Most Backward Classes,
and Denotified Tribes Welfare Department,
Secretariat, Chennai - 600 009.

2.The Director of Most Backward Classes and
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3.The District Revenue Officer and Officer for
Kallaru Reclamation,
(Now the post was converted as Joint director for Kallar
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+1cc to Mr.R.RengaRamanujam,Advocate in SR.51351

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.51737

W.A.[MD].No.966 of 2013
11.04.2017

AKV/DSK

kk/MR/04.05.2017-4P-6C