

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.04.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP.No.8478 of 2018

S.Vasudevan

..Petitioner

Versus

1. The Director of Elementary Education,
Chennai-600 006.
2. The District Elementary Educational Officer,
Cuddalore-1, Cuddalore District.
3. The Assistant Elementary Educational Officer,
Sambandham, (Mutloor),
Parangipettai, Cuddalore District.

..Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents to count the entire length of service both in the cadre of Secondary Grade Teacher and Head Master of Elementary School and sanction Selection Grade and Special Grade to the petitioner in the cadre of Headmaster of Elementary School counting the entire length of service G.O.Ms.No.179, School Education Department, dated 06.09.2013 and confer all the consequential benefits.

For Petitioner : Mr.P.S.Ganesan
for C.S.Associates

For Respondents : Mr.P.Raja
Government Advocate

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to count the entire length of service both in the cadre of Secondary Grade Teacher and Head Master of Elementary School and sanction Selection Grade and Special Grade to the petitioner in the cadre of Headmaster of Elementary School counting the entire length of service as per G.O.Ms.No.179, School Education Department, dated 06.09.2013.

2 The writ petitioner was appointed as Junior Grade Secondary Grade Teacher on 31.08.1970 and posted at Panchayat Union Elementary School, Parangipettai. The services of the writ petitioner were regularized in the said cadre with effect from 19.01.1972. Thereafter, the regularization was granted in the cadre of Secondary Grade Teacher and with effect from 01.02.1974. The petitioner was granted with the selection grade during 1982 and special grade in 1992. He was promoted to the post of Head Master of Elementary School on 10.07.1995 and awarded selection grade in the cadre of Headmaster of Elementary School in the year 2005. The writ petitioner was allowed to retire from service on 31.08.2006, on attaining age of superannuation and continued by way of service during the academic year 2007.

3 The grievance of the writ petitioner is that the benefit extended in G.O.No.179 dated 06.09.2013 has not been provided to him, in spite of his representation. The issue in this regard has already decided by this Court in a batch of writ petitions in W.P.No.12092 of 2013 etc. on 18.01.2018 and the orders passed thereon, are extracted hereunder:-

"42 Accordingly, the following directions are issued:

1. The G.O.Ms.179, School Education Department, dated 06.09.2013 is upheld;
2. The benefits granted in G.O.Ms.No.179, School Education Department, dated 06.09.2013, to be implemented scrupulously in its terms and conditions to all the employees who have served in the same cadre and who are placed similarly;
3. If any double selection grade or double special grade was granted on account of an administrative error, the respondents are at liberty to rectify the errors in granting revision of pay and accordingly, fix the correct scale of pay as per the said Government Order;
4. If the revision of pay is not extended to the similarly placed persons, then the respondents are directed to grant the revision of scale of pay to all the similarly placed employees as per G.O.Ms.No.179, School Education Department, dated 06.09.2013. In this regard, the Director of Elementary School Education, is directed to prepare consolidated instructions with clear illustrations and communicate the same to all the subordinate officials, so as to avoid discrepancies and inconsistencies in respect of the implementation of G.O.Ms.No.179, School Education Department, dated 06.09.2013;
5. The Government, in paragraph 18 of its counter

affidavit, has narrated the statistics about the expenditure to be incurred and the same is extracted in paragraph-38 of this judgment. In view of the financial stress, the Government shall calculate and revise the pension and family pension in respect of those who expired, based on the revised scales of pay in terms to G.O.Ms.No.179, School Education Department, dated 06.09.2013 and the arrears and the consequential monetary benefits would be payable on and from 1st January, 2018;

6. If any wrong fixation is done after the consolidated instructions are issued, then the Government as well as the Director of Elementary School Education, have to initiate appropriate disciplinary proceedings against the officials, who have violated the Court orders and the Government instructions, in this regard;
7. These directions are issued to provide a quietus to the issue and to the irregularities, discrepancies and inconsistencies caused on account of erroneous implementation of various Government Orders issued in this regard by the Government. Thus, an uniform implementation is to be made by the officials without giving any room for any discrepancies and confusions in future and thereby to ensure that the officials have to implement the orders in its letter and spirit and scrupulously and to avoid financial loss to the State Exchequer.
8. The said exercise shall be done by the respondents, within a period of six months from the date of receipt of a copy of this order."

4 The respondents are directed to consider the case of writ petitioner in the light of the judgment cited above and pass orders as early as possible preferably with a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, the writ petition stands disposed of. No order as to costs.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

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Chennai-600 006.
2. The District Elementary Educational Officer,
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3. The Assistant Elementary Educational Officer,
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Parangipettai, Cuddalore District.

+1 CC to Mr.P.S. Ganesan, Advocate sr 26616.

+1 CC to Govt. Pleader sr 27226.

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SP(08/05/2018)



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