

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27.6.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

Writ Appeal Nos.654 to 657 of 2018

N.Ramamoorthy	Appellants in
R.Vimala Banumathy	WA No.654/18
V.Muthukumarasamy	Appellants in
K.Azhaganandam	WA No.655/18
S.Arunachalam	
N.Vajravelu	
A.Subramanian	
N.Palanisamy	
D.Dhanakotti	
C.Arjunan	
M.Subramanian	
C.Munirathinam	
P.Arumugam	
S.Chakaravarthy	
R.Girubakaran	
A.Sugumaran	
M.Sudharsan	
R.Venkatesan	
Ayyadurai	
K.Thanikasalam	
P.K.Ramanathan	
K.Mani	
S.Grace Hepsi Kirubai	
M.Sarasu	
S.V.Balakrishnan	
J.Serajinsha	Appellants in
T.Agusthiappan	WA No.656/18
R.Manoharan	
D.Chinnamannar	
K.Kuppan	
M.Jaganathan	
P.Shanmugam	
C.Selvaraj	
P.K.Subramanian	
S.Malapatti Rita	

A.Logan
M.Ettiyappan
C.Purushothaman
C.Ganesan
L.Krishnamoorthy
E.Lakshmanan
C.Veera Ragavan
L.Kannika
V.Shanmugam
A.Krishnan
P.Kannan
I.Amalorpavam
S.Thiuvirkolam
Y.Vincent
K.Mangala Villi
M.A.Mariadoss
L.Duraisami
P.Lalitha
G.Lalitha Kumari
S.Lakshmi Bai
C.Subramanian

Appellants in
WA No.657/18

Vs.

The State of Tamil Nadu
rep. by its Secretary
Department of School Education
Fort St. George
Chennai 600 009.

The Director of Elementary Education
DPI Compound
College Road
Chennai 600 006.

Respondents 1 & 2
in all WAs.

The District Elementary Education Officer
Kancheepuram
Kancheepuram District.

The Assistant Elementary Education Officer
Uthiramerur
Kancheepuram District.

Respondents 3 & 4
in WA No.654/18

The District Elementary Education Officer
Thiruvannamalai
Thiruvannamalai District.

The District Elementary Education Officer
Kancheepuram
Kancheepuram District.

The District Elementary Education Officer
Krishnagiri
Krishnagiri District.

The District Elementary Education Officer
Dindugal
Dindugal District.

The Assistant Elementary Education Officer
Peranamallur
Thiruvannamalai District.

The Assistant Elementary Education Officer
Thellar
Thiruvannamalai District.

The Assistant Elementary Education Officer
Uthiramerur
Kancheepuram District.

The Assistant Elementary Education Officer
Arani
Thiruvannamalai District.

The Assistant Elementary Education Officer
Chetpet
Thiruvannamalai District.

The Assistant Elementary Education Officer
Vandavasi
Thiruvannamalai District.

The Assistant Elementary Education Officer
Kaveripattinam
Krishnagiri District.

The Addl./Assistant Elementary Education Officer
Natham
Dindigul District.

The Assistant Elementary Education Officer
Wallajabath
Kancheepuram District.

G.Sekaran
R.Rajappan
S.Anthoniammal
K.Krishnaveni
P.Josuva
S.Poongodi
Rajam Grace
P.Ramuthayee
P.Lakshmi
S.Veera Lakshmi
A.Karthikeyan
C.Perumal Samy
S.Srinivasan
P.Chandra Sekaran
E.Kumarasamy
K.Chakkarai
K.Gowri
A.G.Ramamoorthi
V.Arumugam
C.Kuppusamy
D.Gunaseelan
R.Chinnaraj

Respondents 3-37
in WA No.655/18

[Respondents 16 to 37 were given up]

The District Elementary Education Officer
Thiruvannamalai
Thiruvannamalai District.

The District Elementary Education Officer
Kancheepuram
Kancheepuram District.

The Assistant Elementary Education Officer
Thellar
Thiruvannamalai District.

The Assistant Elementary Education Officer
Peranamallur
Thiruvannamalai District.

The Assistant Elementary Education Officer
Uthiramerur
Kancheepuram District.

The Assistant Elementary Education Officer
Madhuranthagam
Kancheepuram District.

Respondents 3 to 8
in WA No.656/18

The District Elementary Education Officer
Kancheepuram
Kancheepuram District.

The Assistant Elementary Education Officer
Sriperumbudur,
Kancheepuram District.

The Assistant Elementary Education Officer
Uthiramerur
Kancheepuram District.

Respondents 3 to 5
.. in WA No.657/18

Appeals under Clause 15 of Letters Patent directed against the common order dated 15.12.2016 made in W.P.Nos.22717, 13187, 20252 and 21155 of 2014.

COMMAN PRAYER

Petitions filed Under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to extend the benefits of the G.O.Ms.No.234 School Education (G2) Department dated 10.09.2009 in so far as the petitioner is concerned and accordingly to award Selection Grade / Special Grade scale of pay in the post of Elementary School Headmaster by taking into account their service prior to 01.06.1988 in the light of the Honourable Division Bench orders passed in W.As. No.815, 1531, 1691, to 1693, 1165 of 2010 dated 07.07.2011.

For Appellants : Mr.G.Punnikoti

For Respondents : Mr.K.Karthikeyan
Government Advocate

J U D G M E N T
(Made by Huluvadi G.Ramesh,J)

The writ appeals have been directed against the order of the learned single Judge dated 15.12.2016 made in W.P.Nos.22717, 13187, 20252 and 21155 of 2014.

2. By the order impugned in these writ appeals, the learned single Judge, relying upon the judgment of a Division Bench dated 09.12.2015 rendered in W.A.(MD) Nos.312 to 318 of 2011, etc. batch, dismissed the writ petitions seeking the benefits conferred under G.O.Ms.No.234, School Education (G2) Department dated 10.9.2009, holding that the appellants herein are not entitled to the benefits.

3. The learned counsel appearing for the appellants would contend that there is another Division Bench judgment in their favour and therefore, the learned Single Judge ought to have referred the matter to a Larger Bench.

4. We have also heard the learned Government Advocate appearing for the respondents and perused the order of the learned Single Judge in the light of the judgment of the Supreme Court in State of U.P. v. Arvind Kumar Srivastava [(2015) 1 SCC 347], wherein it has been held as under:-

"Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim."

5. In the instant case, some people, who felt aggrieved by the G.O., have filed the Original Application in the year 1993 before the Tamil Nadu Administrative Tribunal and the same was allowed. Thereafter, it appears that these appellants approached this Court after lapse of 25 years and hence, the ratio laid down by this Court for extending similar benefits to the similarly placed persons is hit by laches. Thus, the order passed by the learned Single Judge does not warrant any modification as it does not suffer from any illegality or infirmity.

6. In view of the above, all these writ appeals are dismissed. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

kpl

To

1. The Secretary
Department of School Education
Fort St. George, Chennai 600 009.
2. The Director of Elementary Education
DPI Compound, College Road
Chennai 600 006.
3. The District Elementary Education Officer
Kancheepuram, Kancheepuram District.
4. The Assistant Elementary Education Officer
Uthiramerur, Kancheepuram District.
5. The District Elementary Education Officer
Thiruvannamalai, Thiruvannamalai District.
6. The District Elementary Education Officer
Krishnagiri, Krishnagiri District.
7. The District Elementary Education Officer
Dindugal, Dindugal District.
8. The Assistant Elementary Education Officer
Peranamallur, Thiruvannamalai District.
9. The Assistant Elementary Education Officer
Thellar, Thiruvannamalai District.
10. The Assistant Elementary Education Officer
Uthiramerur, Kancheepuram District.
11. The Assistant Elementary Education Officer
Arani, Thiruvannamalai District.
12. The Assistant Elementary Education Officer
Chetpet, Thiruvannamalai District.
13. The Assistant Elementary Education Officer
Vandavasi, Thiruvannamalai District.
14. The Assistant Elementary Education Officer
Kaveripattinam, Krishnagiri District.
15. The Addl./Assistant Elementary Education Officer
Natham, Dindigul District.

16.The Assistant Elementary Education Officer
Wallajabath, Kancheepuram District.

17.The Assistant Elementary Education Officer
Madhuranthagam
Kancheepuram District.

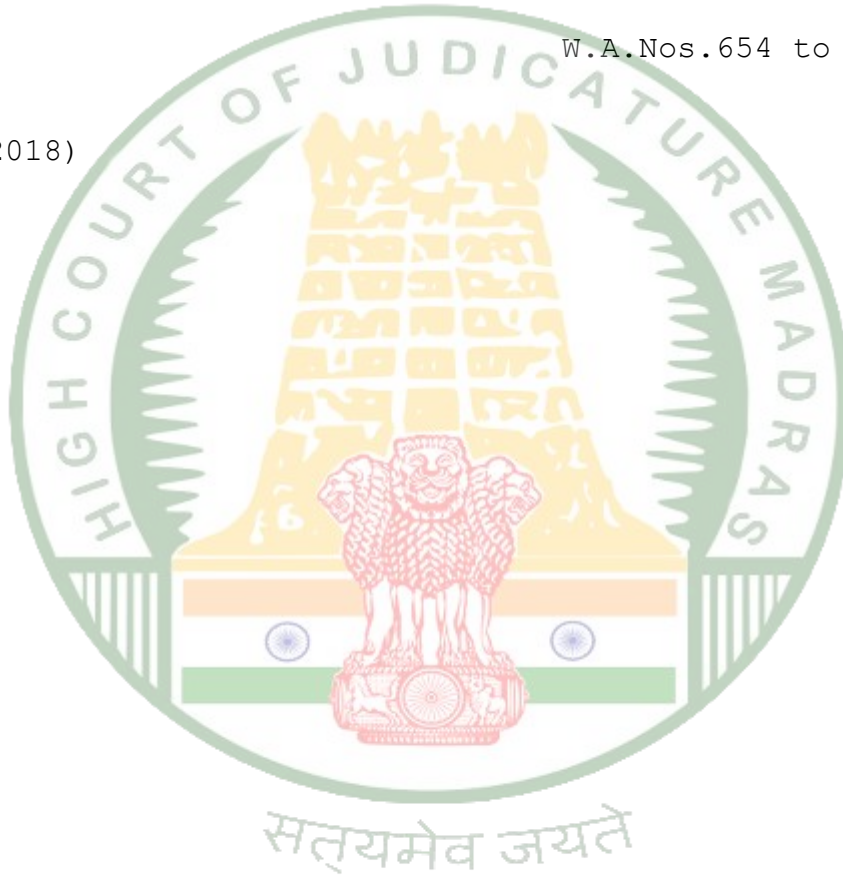
18.The Assistant Elementary Education Officer,
Sriperumbudur, Kancheepuram District.

+lcc to Mr.G.PUNNIYAKOTTI, Advocate, S.R.No.41681

+lcc to the Government Pleader, S.R.No. 41371

W.A.Nos.654 to 657 of 2018

TR(11/07/2018)



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