

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2018
Coram

The Hon'ble Mr. Justice K.K. Sasidharan
and
The Hon'ble Mr. Justice P. Velmurugan

W.A.No.2320 of 2012
and
M.P.No. 1 of 2012

1. The Director of School Education,
College Road, Nungambakkam,
Chennai - 600 006.
2. The District Chief Educational Officer,
Cuddalore District,
Cuddalore - 607 001.
3. The Headmaster,
Government Boys Higher Secondary School,
Kattumannarkoil,
Cuddalore District.Appellants

Vs.

1. G. Jayaraman
2. Office of the Accountant General (A&E),
Tamilnadu, Chennai.Respondents

Prayer:

Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order, dated 18.04.2011 passed in W.P.No.3210 of 2007.

W.P.No.3210 of 2007:

To issue a Writ of Certiorarified Mandamus or any other Writ, order in the nature of Writ to quash the proceedings issued by the 2nd respondent in his proceedings No.I.Mu.No.9196/A5/2006 dt.2.7.2006 and as the subsequential relief direct the respondents to grant the petitioner the stagnation increment from 1.6.1991 and revise his pension.

For Appellants : Mr.K.Karthikeyan
Government Advocate (Education)
For 1st Respondent : Mr.V.T.Balaji
For 2nd Respondent : No appearance

Judgement

(Judgement of the Court was delivered by K.K.Sasidharan,J.)

The order, denying the benefit of the Government Order, in G.O.Ms.No.241 Finance (Pay Cell) Department, dated 01.04.1981, to the first respondent was set aside by the learned Single Judge. The order is under challenge at the instance of the State.

2. We have heard the learned counsel for the respective parties.

3. The request made by the first respondent to grant him the stagnation increment from 01.06.1991 and to pass a consequential order to revise his pension was rejected only on the ground that, in view of the Government Order, in G.O.Ms.No.562 of Finance (Pay Cell) Department, dated 28.09.1998, he is not entitled to the benefit of the G.O.Ms.No.241, dated 01.04.1981.

4. The contention taken by the learned counsel for the State was taken note of by the learned Single Judge, and by making a reference to the clarification issued by the Government, in letter, dated 23.07.1999, the issue was answered in favour of the first respondent.

5. The clarification, dated 23.07.1999 proceeds, as if, the orders issued in G.O.Ms.No.562, dated 28.09.1998 shall apply to those employees, who have been awarded the special grade pay with effect from 27.06.1989, based on the orders passed in G.O.Ms. No.304 Finance Department, dated 28.03.1990. Even the subsequent order, in G.O.Ms.No.666, dated 27.06.1989 justifies the claim made by the first respondent. We are, therefore, of the view that the learned Single Judge was justified in allowing the Writ Petition.

6. In the upshot, we dismiss the intra Court's Appeal. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-

Assistant Registrar(CS VIII)

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Sub-Assistant Registrar

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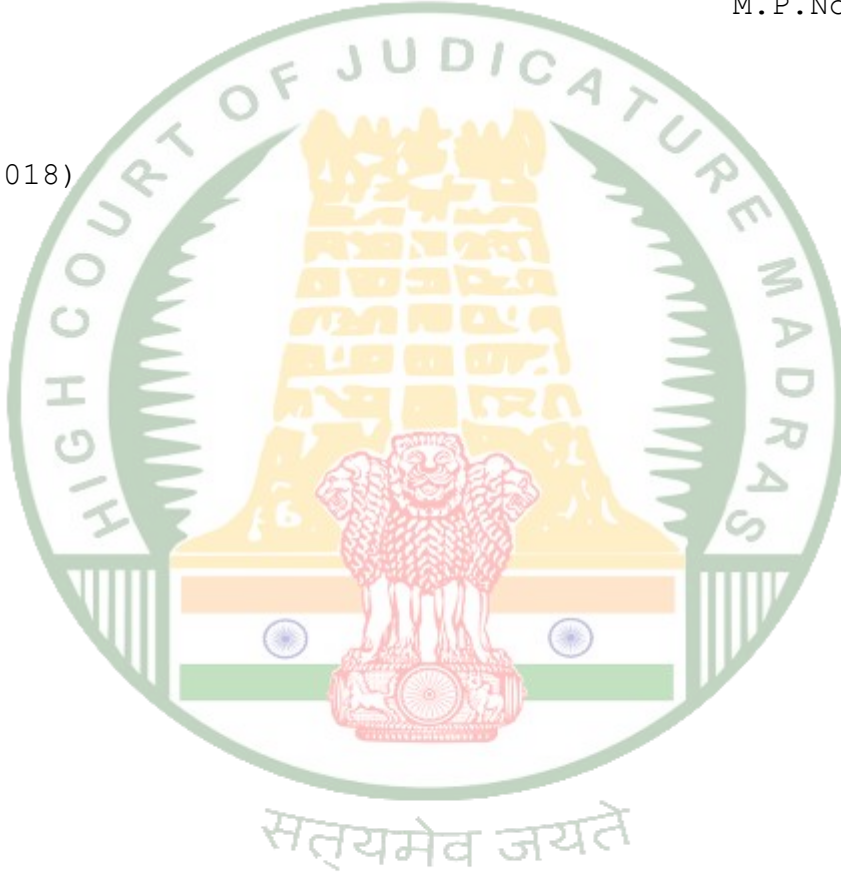
To

The Office of the Accountant General (A&E),
Tamilnadu, Chennai.

+1 CC to Mr.V.T. Balaji, advocate sr 10868.

W.A.No.2320 of 2012
and
M.P.No. 1 of 2012

GP (CO)
SP(04/04/2018)



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