

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-03-2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.1894, 1899, 1902, 1906, 2022, 2028, 2034, 2037, 2040, 2042, 2044, 2049, 2056, 2060, 2281, 2284, 2285, 2289, 2291, 2293, 2297, 2298, 2301, 2885, 2888, 2890, 2895, 2898, 2903, 2907, 381, 385, 387, 388, 389, 390, 449 and 461 of 2019 And
W.M.P.Nos.3156, 3160, 3162 and 3165 of 2019

I S.SIVAGNANAM PETITIONER IN WP NO.1894 OF 2019
1 POONGUNDRAN PETITIONER in WP No.1899 of 2019
1 G.RAJAMANICKAM PETITIONER in WP No.1902 of 2019
1 N.RAMASAMY PETITIONER in WP No.1906 of 2019
1 K.BALASUBRAMANIYAN PETITIONER in WP No.2022 of 2019
1 P. NARAYANASAMY PETITIONER in WP No.2028 of 2019
1 S.PANNEERSELVAM PETITIONER in WP No.2034 of 2019
1 P.PICHAMANI PETITIONER in WP No.2037 of 2019
1 G.RAMASAMY PETITIONER in WP No.2040 of 2019
1 N.M.SUBRAMANIYAN PETITIONER in WP No.2042 of 2019
1 M.SUNDARAM PETITIONER in WP No.2044 of 2019
1 M.VASANTHA PETITIONER in WP No.2049 of 2019
1 S.CHINNA NATTAN PETITIONER in WP No.2056 of 2019
1 C.KEMBIRAJ PETITIONER in WP No.2060 of 2019
1 S.PERIYASAMY PETITIONER in WP No.2281 of 2019
1 S.PERIYASAMY PETITIONER in WP No.2284 of 2019
1 D.CHITRAVELU PETITIONER in WP No.2285 of 2019
1 M.DEIVASIGAMANI PETITIONER in WP No.2289 of 2019

1 P.PERIYASAMY ... PETITIONER in WP No.2291 of 2019
1 R.KRISHNASAMY ... PETITIONER in WP No.2293 of 2019
1 M.RAMASAMY ... PETITIONER in WP No.2297 of 2019
1 V.PANNEER SELVAM ... PETITIONER in WP No.2298 of 2019
1 P.SUBRAMANIYAN ... PETITIONER in WP No.2301 of 2019
1 R.AROCKIAM ... PETITIONER in WP No.2885 of 2019
1 M.BENJAMIN ... PETITIONER in WP No.2888 of 2019
1 S.R.PERIYASAMY ... PETITIONER in WP No.2890 of 2019
1 M.AYYAPPAN ... PETITIONER in WP No.2895 of 2019
1 M.MURUGESAN ... PETITIONER in WP No.2898 of 2019
1 R.RAMASAMY ... PETITIONER in WP No.2903 of 2019
1 P.PALANIAMMAL ... PETITIONER in WP No.2907 of 2019
1 N.SUBRAMANIAN ... PETITIONER in WP No.381 of 2019
1 K.SHANMUGAM ... PETITIONER in WP No.385 of 2019
1 N.ARUNACHALAM ... PETITIONER in WP No.387 of 2019
1 P.CHENNIMALAI ... PETITIONER in WP No.388 of 2019
1 A.MALLIGA ... PETITIONER in WP No.389 of 2019
1 P.MUTHUSAMY ... PETITIONER in WP No.390 of 2019
1 S.RAJAGOPALAN ... PETITIONER in WP No.449 of 2019
1 R.SARADHAMANI ... PETITIONER in WP No.461 of 2019

1 THE GOVERNMENT OF TAMIL NADU
REP. BY ITS SECRETARY TO GOVERNMENT
SCHOOL EDUCATION DEPARTMENT
FORT ST.GEORGE
CHENNAI 600 009
Respondent in

...1st

W.P.Nos.1894, 1899,
1902, 1906, 2022, 2028, 2034, 2037,
2040, 2042, 2044, 2049, 2056, 2060,
2281, 2284, 2285, 2289, 2291, 2293, 2297,
2298, 2301, 2885, 2888, 2890, 2895,
2898, 2903, 2907, 381, 385, 387, 388,
389, 390,
449, 461 of 2019

- 2 THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI 600 006.

... 2nd Respondent in W.P.Nos.1894, 1899,
1902, 1906, 2022, 2028, 2034,
2037, 2040, 2042, 2044,
2049, 2056, 2060, 2281,
2284, 2285, 2289, 2291,
2293, 2297, 2298, 2301,
2885, 2888, 2890, 2895,
2898, 2903, 2907, 381,
385, 387, 388, 389, 390,
449, 461 of 2019

- 3 THE ACCOUNTS OFFICER/PEN19/
THE SENIOR ACCOUNTS OFFICER/PEN 20/
THE BRANCE OFFICER
OFFICE OF THE PRINCIPAL ACCOUNTANT
GENERAL (A AND E) TAMIL NADU
NO.361 ANNA SALAI,
CHENNAI 600 018.

.... 3rd Respondent in W.P.Nos.
1894, 1899,
1902, 1906, 2022, 2028, 2034,
2037, 2040, 2042, 2044,
2049, 2056, 2060, 2281,
2284, 2285, 2289, 2291,
2293, 2297, 2298, 2301,
2885, 2888, 2890, 2895,
2898, 2903, 2907, 381,
385, 387, 388, 389, 390,
449, 461 of 2019

- 4 THE DISTRICT EDUCATIONAL OFFICER,
TIRUPPUR DISTRICT, TIRUPPUR.

...4th Respondent in W.P.No.1894, 1899,
1902, 1906 of 2019

- 5 THE BLOCK EDUCATIONAL OFFICER
THE ADDITIONAL ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER KUNDADAM PANCHAYAT
UNION KUNDAM TIRUPPUR DISTRICT.
... 5th Respondent in WP No.1894, 1902 of 2019
- 6 THE BLOCK EDUCATUIONAL OFFICER
ASSISTANT ELEMENTARY EDUCATIONAL
OFFICER DHARAPURAM PANCHAYAT UNION
DHARAPURAM TIRUPPUR DISTRICT.
...5th Respondent in W.P.No.1899, 1906 of 2019
- 7 THE DISTRICT EDUCATIONAL OFFICER,
VRIDDHACHALAM, CUDDALORE DISTRICT.
...4th Respondent in W.P.No.2022, 2028, 2034,
2037, 2040, 2042, 2044, 2049,
2281, 2284, 2285, 2289, 2291,
2293, 2297, 2298, 2301 of 2019
- 8 THE BLOCK EDUCATIONAL OFFICER /
THE ADDITIONAL ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER, NALLUR PANCHAYAT UNION,
NALLUR, CUDDALORE DISTRICT.
...5th Respondent in W.P.No.2022, 2297 of 2019
- 9 THE BLOCK EDUCATIONAL OFFICER /
THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
MANGALUR PANCHAYAT UNION,
RAMANATTHAM, CUDDALORE DISTRICT.
...5th Respondent in W.P.2028, 2034, 2037,
2040, 2042, 2044, 2049, 2281,
2284, 2285, 2289, 2291, 2293,
2298, 2301 of 2019
- 10 THE DISTRICT EDUCATIONAL OFFICER,
VEPPUR AT PERALI,
PERAMBALUR DISTRICT.
...4th Respondent in W.P.No.2056, 2060 of 2019
- 11 THE BLOCK EDUCATIONAL OFFICER /
THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
VEPPUR PANCHAYAT UNION,
VEPPUR, CUDDALORE DISTRICT.
..5th Respondent in W.P.No.2056, 2060 of 2019

- 12 THE DISTRICT EDUCATIONAL OFFICER,
VEDASANTHUR, DINDIGUL DISTRICT.
...4th Respondent in W.P.No.2885, 2890, 2898,
2903, 2907 of 2019
- 13 THE BLOCK EDUCATIONAL OFFICER/
THE ADDITIONAL ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER, RETTIARCHATHIRAM,
PANCHAYAT UNION, DINDIGUL DISTRICT.
... 5th Respondent in W.P.2885,
2898, 2903, 2907 of 2019
- 14 THE DISTRICT EDUCATIONAL OFFICER,
DEVAKOTTAI, SIVAGANGA DISTRICT.
...4th Respondent in W.P.No.2888 of 2019
- 15 THE BLOCK EDUCATIONAL OFFICER/
THE ADDITIONAL ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER, KALAIYARKOIL PANCHAYAT
UNION, KALAIYARKOIL, SIVAGANGA DISTRICT.
...5th Respondent in W.P.No.2888 of 2019
- 16 THE BLOCK EDUCATIONAL OFFICER/
THE ADDITIONAL ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER, VEDASANTHUR PANCHAYAT
UNION, VEDASANTHUR, DINDIGUL DISTRICT.
... 5th Respondent in W.P.No.2890 of 2019
- 17 THE DISTRICT EDUCATIONAL OFFICER,
BATLAGUNDU, DINDIGUL DISTRICT.
... 4th Respondent in W.P.2895 of 2019
- 18 THE BLOCK EDUCATIONAL OFFICER/
THE ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER, BATLAGUNDU PANCHAYAT UNION,
BATLAGUNDU, DINDIGUL DISTRICT.
...5th Respondent in W.P.2895 of 2019
- 19 THE DISTRICT EDUCATIONAL OFFICER,
KARUR DISTRICT, KARUR.
...4th Respondent in W.P.381, 385, 387, 388,
389, 390, 449, 461 of 2019
- 20 THE BLOCK EDUCATIONAL OFFICER /
THE ASSISTANT ELEMENTARY EDUCATIONAL
OFFICER, K.PARAMATHI PANCHAYAT UNION,
K.PARAMATHI, KARUR DISTRICT.
...5th Respondent in W.P.381, 385, 387, 3881,
389, 390, 449, 461 of 2019

Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus,

W.P.NO.1894 of 2019:

calling for the records relating to the impugned order of the third respondent made in proceedings No.Pen.20/V/12012930/RN/14-15/ADK, dated 19.12.2014 and quash the same and to direct the third respondent to revise the pension of the petitioner as per the proposal of the fifth respondent dated 29.1.2014 and to grant all monetary benefits with arrears.

WP No.1899 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No.Pen.20/III/22007946/RN/14-15/ dated 20/11/2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the proposal of the 5th respondent dated 07/03/2014 and to grant all monetary benefits with arrears.

WP No.1902 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No.Pen.20/I/12012931/14-15/ADK dated 26/11/2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the proposal of the 5th respondent dated 27/01/2014 and to grant all monetary benefits with arrears.

WP No.1906 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No.Pen.19/IV/11910204/14-15/ADK dated 16/10/2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the proposal of the 5th respondent dated 07/03/2014 and to grant all monetary benefits with arrears.

WP No.2022 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No. Pen. 19/ III/ 11911258 / Rn/ 14-15, dated 7.1.2015 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 5.6.2014 and to grant all monetary benefits with arrears.

WP No.2028 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No. Pen. 20/ I/ 12014335/ RN/ 14-15/ ADK, dated 19.12.2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 2.6.2014 and to grant all monetary benefits with arrears.

WP No.2034 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No. Pen. 20/III/ 32007767/ Rev/ 14-15, dated 26.12.2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 2.6.2014 and to grant all monetary benefits with arrears.

WP No.2037 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No. Pen. 20/II/ 12014331/ Rn/ 14-15/ ADK, dated 6.1.2015 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 2.6.2014 and to grant all monetary benefits with arrears.

WP No.2040 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No. Pen. 20/IV/ 22012853/ Rn/ 14-15/ ADK, dated 23.1.2015 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 2.6.2014 and to grant all monetary benefits with arrears.

WP No.2042 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No. Pen. 20/IV/ 12014323/ Rn/ 14-15/ ADK / 462, dated 23.1.2015 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 2.6.2014 and to grant all monetary benefits with arrears.

WP No.2044 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No. Pen. 20/I/ 12014347/REV/14-15/ ADK, dated 19.12.2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 2.6.2014 and to grant all monetary benefits with arrears

WP No.2049 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No. Pen. 20/II/ 32007764/Rn/14-15/ ADK, dated 6.1.2015 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 2.6.2014 and to grant all monetary benefits with arrears.

WP No.2056 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No. Pen. 17/ IV/ 11713695/RN/14-15/ ADK, dated 15.10.2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 26.8.2014 and to grant all monetary benefits with arrears.

WP No.2060 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No. Pen. 17/ 11713697/14-15/ 425, dated Nil and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 26.8.2014 and to grant all monetary benefits with arrears.

WP No.2281 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No. Pen 20/II/12014317/REV/14-15/ADK, dated 19.12.2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 02.06.2014 and to grant all monetary benefits with arrears.

WP No.2284 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No. Pen 20/I/32010467/RN/14-15

ADK, dated 19.12.2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 02.06.2014 and to grant all monetary benefits with arrears.

WP No.2285 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No.Pen 20/V/22012514/14-15/ADK, dated 29.12.2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 02.06.2014 and to grant all monetary benefits with arrears.

WP No.2289 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No.Pen 20/V/12014329/Rev/14-15/ADK, dated 11.12.2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 02.06.2014 and to grant all monetary benefits with arrears.

WP No.2291 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No.Pen 20/I/22007780/REV/14-15 ADK, dated 19.12.2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 02.06.2014 and to grant all monetary benefits with arrears.

WP No.2293 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No.Pen 20/4/12014321/Rev/14-15/ADK, dated 15.12.2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 02.06.2014 and to grant all monetary benefits with arrears.

WP No.2297 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No.Pen 19/II/11911159/RN/14-15 ADK, dated 1.12.2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 27-5-.2014 and to grant all monetary benefits with arrears.

WP No.2298 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No.Pen 20/III/22011472 RN/14-15/ADK, dated 29.12.2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 02.06.2014 and to grant all monetary benefits with arrears.

WP No.2301 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No.Pen 20/3/12014320/REV/14-15 ADK, dated 11-.12.2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 02.06.2014 and to grant all monetary benefits with arrears.

WP No.2885 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No. Pen. 17/ I/ 11713794/ Rev/ 14-15 ADK/ 431 dated 28.10.2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 27.08.2014 and to grant all monetary benefits with arrears.

WP No.2888 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No. Pen. 18/ I/ 21811104/ Rev/ 13-14 ADK dated 10.01.2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 30.10.2013 and to grant all monetary benefits with arrears.

WP No.2890 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No. Pen. 17/ I/ 11711028/ Rev/ 13-14 ADK dated 28.10.2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 31.10.2013 and to grant all monetary benefits with arrears.

WP No.2895 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No. Pen. 17/ III/ 11712671/

Rev/ 14-15 ADK/ 377 dated 13.10.2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 20.11.2013 and to grant all monetary benefits with arrears.

WP No.2898 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No. Pen. 17/ I/ 11713798/ Rn/ 14-15 ADK/ 469 dated 04.12.2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 27.08.2014 and to grant all monetary benefits with arrears.

WP No.2903 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No. Pen. 17/ IV/ 11713797/ RN/ 14-15 ADK dated 23.10.2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 27.08.2014 and to grant all monetary benefits with arrears.

WP No.2907 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No. Pen. 17/ II/ 11713795/ RN/ 14-15 ADK/ 421 dated 29.10.2014 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the pay fixation of the 5th respondent dated 27.08.2014 and to grant all monetary benefits with arrears.

WP No.381 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No.P16/4/11619646/ADK, dated 04.05.2017 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the proposal of the 5th respondent dated 20.02.2017 and to grant all monetary benefits with arrears.

WP No.385 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No.P16/3/11619631/ADK, dated 21.04.2017 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the proposal of the 5th respondent dated 15.02.2017 and to grant all monetary benefits with arrears.

WP No.387 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No.P16/1/11619629/ADK, dated 19.04.2017 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the proposal of the 5th respondent dated 20.02.2017 and to grant all monetary benefits with arrears.

WP No.388 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No.P16/ 4/ 11619633/ADK, dated 04.05.2017 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the proposal of the 5th respondent dated 15.02.2017 and to grant all monetary benefits with arrears.

WP No.389 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No.P16/ 3/ 11619645/ADK, dated 21.04.2017 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the proposal of the 5th respondent dated 15.02.2017 and to grant all monetary benefits with arrears.

WP No.390 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No.P16/ 1/ 11619653/ADK, dated 20.04.2017 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the proposal of the 5th respondent dated 20.02.2017 and to grant all monetary benefits with arrears.

WP No.449 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No.P16/2/ 11619644/ADK, dated 21.04.2017 and quash the same and to direct the 3rd respondent to revise the pension of the petitioner as per the proposal of the 5th respondent dated 20.02.2017 and to grant all monetary benefits with arrears.

WP No.461 of 2019:

Calling for the records relating to the impugned order of the 3rd respondent made in proceedings No.P16/ 3/11619625/ADK, dated 44-45 21.04.2017 and quash the same and to direct the 3rd

respondent to revise the pension of the petitioner as per the proposal of the 5th respondent dated 20.02.2017 and to grant all monetary benefits with arrears.

For Petitioner in all WPs : Mr.A.S.Kaizer

For Respondents 1,2,4 and 5: Mr.A.Rajaperumal
in all WPs Additional Government Pleader.

C O M M O N O R D E R

The order passed by the Accounts Officer in the Office of the Principal Accountant General of Tamil Nadu in proceedings dated 19.12.2014, is under challenge in the present writ petitions.

2. The impugned order states that as per G.O.Ms.No.234, School Education Department, dated 10.9.2009, Secondary Grade Service upto 31.5.1988 and only Primary School Headmaster Service after 1.6.1988 have to be taken into account for the calculation of 20 years for awarding Special Grade in Primary School Headmaster post.

3. The cases of the writ petitioners were considered based on the individual service records and the respective date of appointment in the particular category and the order was passed stating that the names of the writ petitioners do not find place in the list of beneficiaries annexed to Government Letter No.29949/EE-1(2)/2014-8 dated 28.1.2014.

4. It is further stated in the impugned order that if any Government Order is available in respect of the official, the same may be forwarded. Thus, it is unambiguous that the Office of the Principal Accountant General of Tamil Nadu acted based on the Government letter issued in Letter No.29949/EE-1(2)/2014-8 dated 28.1.2014. The Accountant General has issued the orders based on the instructions provided by the Government in its letter dated 28.1.2014.

5. In other words, the decision taken by the Government in the matter of extending the benefit of G.O.Ms.No.234, School Education Department, dated 10.9.2009, was communicated to the Accountant General of Tamil Nadu and in view of the fact that the writ petitioners submit a representation to the Accountant General of Tamil Nadu, a reply was given stating that the names

of the writ petitioners were not found in the list of beneficiaries annexed to the Government Letter dated 28.1.2014.

6. It is pertinent to note that the said Government letter dated 28.1.2014 is not challenged in all these writ petitions.

7. The learned counsel for the writ petitioners states that the writ petitioners are fighting with the issues for a longtime and they filed the writ petitions in the year 2009 and the matter went upto the Hon'ble Division Bench of this Court and the Hon'ble Division Bench of this Court passed an order on 22.7.2011 in W.P No.14011 of 2011 etc., batch. The said order of the Hon' ble Division Bench of this Court reads as under:-

"All these writ petitions relate to G.O.Ms.No.234, School Education Department, dated 10.09.2009 as to the certain entitlement of the benefits to the teaching staff pursuant to the orders passed in O.A.No.177/1997 dated 12 July 2002 by the State Administrative Tribunal as confirmed by the order dated 21 February 2008 in W.P.No.29644 and 29645/2003.

2. Similar question came up before this Court in a batch of writ appeals in W.A.Nos.815/2010, etc. batch, challenging the order of the learned single Judge dismissing similar writ petitions solely on the ground of delay and laches. This Court, by judgment dated 07.07.2011, after hearing on either side, allowed the writ appeals in the following terms:-

"24. Accordingly, we allow the writ appeals by setting aside the order passed by the learned single Judge in the respective appeals.

25. The first respondent is directed to extend the benefits of the order in G.O.Ms.No.234 dated 10 September 2009 to the appellants. Such exercise shall be completed within a reasonable period and in any case within three months from the date of receipt of a copy of this Judgment.

26. In the upshot, we allow the writ appeals. No costs."

3. There is no dispute that all these writ petitions relate to the same issue. As

the writ petitions are covered in favour of the petitioners by our above judgment in the writ appeals, all these writ petitions are allowed in terms of the directions given in the writ appeals referred to above. No costs."

8. Though the Hon'ble Division Bench of this Court directed the authorities to extend the benefits of the order in G.O.Ms.No.234, School Education Department, dated 10.9.2009 to the appellants, said that such exercise shall be completed within the reasonable period and in any case, even three months from the date of receipt of a copy of the abovesaid judgment.

9. There was a delay in implementing the judgment of the Hon'ble Division Bench of this Court and the writ petitioners filed contempt applications. The order dated 21.11.2013 was passed re-fixing the pension of the writ petitioners by the competent authorities.

10. On production of the said re-fixation order, the contempt applications were closed.

11. The learned counsel for the writ petitioners states that the writ petitioners had received the arrears of pensionary benefits as per the re-fixation done by the competent authorities and when the matter was sent for approval to the Accountant General of Tamil Nadu, the same was not approved by stating that the name of the writ petitioners did not find place in the list of beneficiaries annexed to the Government Letter dated 28.1.2014. The copy of the communication sent to the competent authority was marked to the writ petitioners and the said order is under challenge in all these present writ petitions.

12. This Court is of the considered opinion that originally G.O.Ms.No.234, School Education Department, dated 10.9.2009 was issued based on the order passed by the Tamil Nadu Administrative Tribunal dated 12.7.2002 in Original Application Nos.68 of 1997, 177 of 1997 and 5548 of 1998. The issue raised during the relevant point of time was that whether the services rendered by the Secondary Grade Teachers prior to 1.6.1988 are to be reckoned as a qualifying service for the purpose of grant of Selection Grade and Special Grade in the post of Primary School Headmasters.

13. The issue was considered on account of the fact that prior to 1.6.1988 (i.e., implementation of V Pay Commission), the post of Headmaster and Secondary Grade Teacher were accorded as equivalent and interchangeable.

14. The said issue was decided in favour of the teachers, who served as Secondary Grade Teachers, prior to 1.6.1988 and promoted as Primary School Headmasters after 1.6.1988 for the purpose of grant of Special Grade and Selection Grade.

15. It is pertinent to note that the issue was resolved during the relevant point of time in respect of persons, who approached the Tamil Nadu Administrative Tribunal during the year 1997-1998. The order passed by the Tamil Nadu Administrative Tribunal was implemented by the Government in G.O.Ms.No.234, School Education Department, dated 10.9.2009.

16. The said Government Order was issued, implementing the orders of the Tribunal dated 12.7.2002 in respect of 63 persons only. The other similarly placed persons had approached the Court one by one. Batch of writ petitions were filed subsequently during various periods and the High Court also entertained the writ petitions and issued directions to extend the benefits to the similarly placed persons.

17. The writ petitioners herein were also filed writ petitions during the year 2010 and the Hon'ble Division Bench of this Court passed an order in 2011 and in the year 2013, re-fixation of pension was done and the writ petitioners had already received the arrears of revised pay.

18. It is pertinent to note that the writ petitioners, who waited till the year 2010 after the judgment delivered by the Tamil Nadu Administrative Tribunal on 12.7.2002, which was implemented in G.O.Ms.No.234, School Education Department, dated 10.9.2009.

19. The fact remains that the contempt applications filed by the writ petitioners were closed in the year 2013. The

impugned orders now under challenge in all these writ petitions were communicated to the writ petitioners during the year 2014. However, the present writ petitions are filed on 18th January 2019, after a lapse of about five years from the date of such communications.

20. The issue to be considered is that the impugned order issued by the Accounts Officer from the Office of the Accountant General of Tamil Nadu, is valid or not. The letter addressed to the competent authority of the Education Department and the copy of the same has been marked. The contents of the order impugned states that the names of the writ petitioners were not found place in the list of beneficiaries annexed to the Government Letter dated 28.1.2014. Even the Accountant General had not decided the issue in respect of fixation of pension or re-fixation. They have just communicated the decision taken by the Government in respect of the list of beneficiaries for grant of benefit as per G.O.Ms.No.234, School Education Department, dated 10.9.2009 or otherwise.

21. In the present cases, the writ petitioners have admitted that the benefit of G.O.Ms.No.234, School Education Department, dated 10.9.2009 had already been extended to them by way of an order passed during the year 2013 and they had received the arrears of pay.

22. The learned counsel for the writ petitioners states that only the files were sent to the Accountant General of Tamil Nadu for formal approval and under these circumstances, this Court is of the considered opinion that the said communication itself is under challenge after the lapse of about more than five years from the date of its issuance.

23. The writ petitions are highly belated. Even the fact regarding the extension of the benefits are admitted by the writ petitioners, and the writ petitioners had received the arrears of pay during the year 2013 itself.

24. This being the factum, this Court is not inclined to entertain all these writ petitions, which all are filed after the lapse of more than five years and the issue was raised originally during the year 1998 and the same was decided by the Tamil Nadu Administrative Tribunal in the year 2002 and the Government issued G.O.Ms.No.234, School Education Department, dated 10.9.2009 and the writ petitions filed by the writ petitioners in the year 2010 was allowed by the Division Bench of this Court during the year 2011 and during the year 2013, the

writ petitioners had received the arrears of pay as per the orders of this Court and the communication issued by the Accountant General of Tamil Nadu, which is under challenge in all these writ petitions deserve no further consideration.

25. Accordingly, all the writ petitions stand dismissed on the ground of laches and on merits. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1 THE GOVERNMENT OF TAMIL NADU
REP. BY ITS SECRETARY TO GOVERNMENT
SCHOOL EDUCATION DEPARTMENT
FORT ST.GEORGE
CHENNAI 600 009
- 2 THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI 600 006.
- 3 THE ACCOUNTS OFFICER/PEN20
OFFICE OF THE PRINCIPAL ACCOUNTANT
GENERAL (A AND E) TAMIL NADU
NO.361 ANNA SALAI,
CHENNAI 600 018.
- 4 THE DISTRICT EDUCATIONAL OFFICER,
TIRUPPUR DISTRICT, TIRUPPUR.
- 5 THE BLOCK EDUCATION OFFICER
THE ADDITIONAL ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER KUNDADAM PANCHAYAT
UNION KUNDAM TIRUPPUR DISTRICT.
- 6 THE BLOCK EDUCATIONAL OFFICER
ASSISTANT ELEMENTARY EDUCATIONAL
OFFICER DHARAPURAM PANCHAYAT UNION
DHARAPURAM TIRUPPUR DISTRICT.

- 7 THE DISTRICT EDUCATIONAL OFFICER,
VRIDDHACHALAM, CUDDALORE DISTRICT.
- 8 THE BLOCK EDUCATIONAL OFFICER /
THE ADDITIONAL ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER, NALLUR PANCHAYAT UNION,
NALLUR, CUDDALORE DISTRICT.
- 9 THE BLOCK EDUCATIONAL OFFICER /
THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
MANGALUR PANCHAYAT UNION,
RAMANATTHAM, CUDDALORE DISTRICT.
- 10 THE DISTRICT EDUCATIONAL OFFICER,
VEPPUR AT PERALI,
PERAMBALUR DISTRICT.
- 11 THE BLOCK EDUCATIONAL OFFICER /
THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
VEPPUR PANCHAYAT UNION,
VEPPUR, CUDDALORE DISTRICT.
- 12 THE DISTRICT EDUCATIONAL OFFICER,
VEDASANTHUR, DINDIGUL DISTRICT.
- 13 THE BLOCK EDUCATIONAL OFFICER/
THE ADDITIONAL ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER, RETTIARCHATHIRAM,
PANCHAYAT UNION, DINDIGUL DISTRICT.
- 14 THE DISTRICT EDUCATIONAL OFFICER,
DEVAKOTTAI, SIVAGANGA DISTRICT.
- 15 THE BLOCK EDUCATIONAL OFFICER/
THE ADDITIONAL ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER, KALAIYARKOIL PANCHAYAT
UNION, KALAIYARKOIL, SIVAGANGA DISTRICT.
- 16 THE BLOCK EDUCATIONAL OFFICER/
THE ADDITIONAL ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER, VEDASANTHUR PANCHAYAT
UNION, VEDASANTHUR, DINDIGUL DISTRICT.
- 17 THE DISTRICT EDUCATIONAL OFFICER,
BATLAGUNDU, DINDIGUL DISTRICT.
- 18 THE BLOCK EDUCATIONAL OFFICER/
THE ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER,

BATLAGUNDU PANCHAYAT UNION,
BATLAGUNDU, DINDIGUL DISTRICT.

19 THE DISTRICT EDUCATIIONAL OFFICER,
KARUR DISTRICT, KARUR.

20 THE BLOCK EDUCATIONAL OFFICER /
THE ASSISTANT ELEMENTARY EDUCATIONAL
OFFICER, K.PARAMATHI PANCHAYAT UNION,
K.PARAMATHI, KARUR DISTRICT.

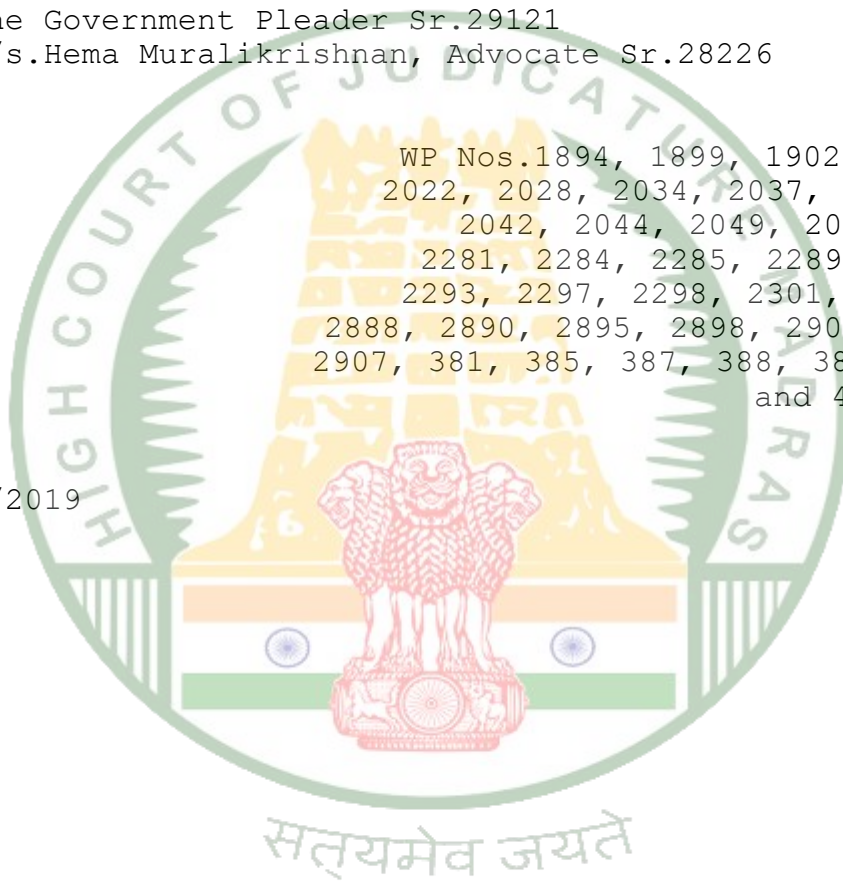
+19cc to Mr.A.S.Kaizer, Advocate Sr.29317, 29316, 29315

+1cc to the Government Pleader Sr.29121

+1cc to M/s.Hema Muralikrishnan, Advocate Sr.28226

WP Nos.1894, 1899, 1902, 1906,
2022, 2028, 2034, 2037, 2040,
2042, 2044, 2049, 2056, 2060,
2281, 2284, 2285, 2289, 2291,
2293, 2297, 2298, 2301, 2885,
2888, 2890, 2895, 2898, 2903,
2907, 381, 385, 387, 388, 389, 390, 449
and 461 of 2019

srg 10/07/2019



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