

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2019

CORAM

THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN
AND
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

Writ Appeal No. 1827 of 2018

&

C.M.P. No. 14648 of 2018

1. The Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of Elementary Education,
College Road,
Chennai - 600 006. ..Appellants/Respondent

Vs.

R. Thangarasu ..Respondent/Petitioner

Prayer: Writ Appeal as against the order dated 29.06.2015
passed in W.P. No. 33473 of 2013.

W.P.33473/2013:

Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified Mandamus calling for the proceedings of the 1st respondent made in Letter No.1D No.418/G1/ 2012 dated 10.12.2012 and quash the same consequently directing the respondents herein to award Selection Grade/ Special Grade of Pay in the post of Middle School Head Master by taking into account the service rendered by the petitioner in the post of Secondary Grade Assistant as given to 65 persons in G.O. Ms.No.210 School Education Department dated 14.08.2009.

For Appellants :: Mr.C. Munusamy,
Special Govt. Pleader
For Respondent :: Mr.S. Thirumavalavan

J U D G M E N T

(Judgment of the Court was delivered by K.K. SASIDHARAN,J.)

The learned Single Judge allowed the writ petition filed by the respondent in W.P. No. 33473 of 2013 dated 29.06.2015 and a direction was issued to give him Selection Grade/Special Grade pay in the post of Middle School Headmaster by counting the

service rendered as Secondary Grade Teacher/Primary School Headmaster/Elementary School Headmaster from the date of promotion to the post of Middle School Headmaster with all monetary and pensionary benefits. Feeling aggrieved by the said order, the appellants have come up with this intra-court appeal.

2. When the intra-court appeal is taken up for hearing today, learned Special Government Pleader, by producing a copy of the judgment dated 03.01.2019 in W.A. Nos. 34 of 2017 etc batch submitted that the issue is covered by the said judgment of the Division Bench.

3. We have also heard the learned counsel for the respondent.

4. We extract hereunder paragraph No.8 of the judgment, which contains a direction for fixing the pay of respondents therein in the Selection Grade/Special Grade:

"8. Though, Mr.C. Munusamy, learned Special Government Pleader (Education) states that long after their reinstatement, respondents have approached this Court and that a huge amount has to be paid, that cannot be a ground to deprive the respondents of their entitlement to selection grade/special grade to pay which the appellants ought to have paid. Courts have held that in the matter of fixation of pay and pension, there is a continuing cause and for the above said reason, we are not inclined to accept the said contention. Following the above decision, all the writ appeals are dismissed. The appellants are directed to grant the benefits of G.O.Ms. No. 210 School Education (G1) Department, dated 14.08.2009, to all the respondents and fix their pay in Selection Grade / Special Grade in the post of Middle School Headmaster, by counting the service rendered as Secondary Grade Teacher/Primary School Headmaster/Elementary School Headmaster, from the date of their promotion to the post of Middle School Headmaster, if they were given the same already with all monetary and the pensionary benefits with arrears till the date of his death. Though, Mr.C. Munusamy, learned Special Government Pleader (Education) sought four months time to complete the exercise of revising the pay in the Selection Grade / Special Grade to the respondents, and consequently revise the pension / Family pension, considering the long period of litigation, which the retired employees / members of the family of the retired employees have to undergo, litigation expenses etc., we, deem it fit, to direct the appellants, to fix the pay in the Selection Grade / Special Grade, within a period of four weeks, from the date of receipt of a copy of this judgment and consequently the appellants are further directed to revise the pension / family pension, and disburse both arrears of salary and differential pension, within a period of eight weeks thereafter. Consequently, connected civil miscellaneous petitions are closed. No costs. "

5. Since the issue is covered by the judgment of the Division Bench, there is no need for a further adjudication of the matter.

6. Accordingly, by following the judgment dated 03.01.2019 in W.A. Nos. 34 of 2017 etc. batch, this intra-court appeal is dismissed. No costs. Connected C.M.P. is closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of Elementary Education,
College Road,
Chennai - 600 006.

+1 CC to The Govt. Pleader sr 24727.

+1 CC to Mr.S.Thirumavalavan, Advocate sr 23740.

W.A. No. 1827 of 2018

KK(CO)
SP(12/04/2019)

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