

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.08.2019

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal Nos.790 of 2014 and 422 of 2016
and CMP No.6160 of 2016

1. The Secretary to School Education,
Secretariat Building,
Chennai - 600 009.
2. The Director of Elementary Education,
College Road, Chennai - 600 006.
3. The District Elementary Educational Officer,
Thiruvallur, Thiruvallur District.

...Appellants 1 & 3 in both W.As

The Assistant Elementary Educational Officer,
Ellapuram Block at Periyapalayam,
Thiruvallur District - 601 102.

...4th Appellant in W.A.No.790 of 2014

The Additional Elementary Educational Officer,
Ellapuram Block at Periyapalayam,
Thiruvallur District - 601 102.

...4th Appellant in W.A.No.422 of 2016

-Vs-

Sri.K.R.Jaganathan

...Respondent in W.A.No.790 of 2014

Sri.M.Suriyaprakasam

...Respondent in W.A.No.422 of 2016

APPEALS filed under Clause 15 of the Letters Patent to set aside the order dated 08.07.2013 made in W.P.Nos.8092 and 8094 of 2009.

Prayer in W.P.No.8092 of 2009:- Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent impugned proceedings in Na.Ka.No.7049/L3/09 dated

30.03.2009 and quash the same as null and void and against the principles of natural justice and consequently directing the respondents herein to pass appropriate order to revise the pay structure with effect from 1.6.1988 by revising the service seniority in the cadre of Secondary Grade Head Master with effect from 6.6.1974 instead of 27.06.1997 for calculating the service seniority for selection grade and special grade accordingly with reference to G.O.Ms.No.202 dated 24.09.2008 of School Education.

Prayer in W.P.No.8094 of 2009:- Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent impugned proceedings in Na.Ka.No.7049/L3/09 dated 30.03.2009 and quash the same as null and void and against the principle of natural justice and consequently directing the respondents herein to pass appropriate order to revise the pay structure with effect from 1.6.1988 by revising the service seniority in the cadre of Secondary Grade Head Master with effect from 6.6.1974 instead of 5.8.1994 for calculating the service seniority for selection grade and special grade accordingly with reference to G.O.Ms.No.202 dated 24.09.2008 of School Education.

For Appellants
in both W.As : Mr.C.Munusamy, Spl.G.P.

For Respondent
in both W.As : Mr.G.Thangavel

C O M M O N J U D G M E N T

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

The respondent in the respective appeals filed Writ Petitions before the Writ Court in W.P.Nos.8092 and 8094 of 2009 claiming benefits of the Government Order in G.O.Ms.No.202, School Education (G2) Department dated 24.09.2008. The learned single Judge allowed the Writ Petitions and a mandamus was issued to pay them all the benefits. The said order is under challenge at the instance of the State.

2. When these appeals are taken up for hearing today, learned Special Government Pleader produced a copy of the judgment dated 26.06.2018 in W.A.No.125 of 2016. The issue in the said judgment also relates to the benefit claimed by the employee, taking into account the Government order in G.O.Ms.No.202, School Education (G2) Department dated 24.09.2008.

3. Since the very same issue was decided by the Division Bench, the appeals filed by the appellants deserve to be dismissed. Accordingly, by following the judgment dated 26.06.2018 in W.A.No.125 of 2016, the intra Court appeals are dismissed. We direct the appellants to disburse the benefits to the respondent in the respective appeals as expeditiously as possible. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

S1

Sd/-

Assistant Registrar(C.O.)

//True Copy//

Sub Assistant Registrar

1. The Secretary to School Education,
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5. The Additional Elementary Educational Officer,
Ellapuram Block at Periyapalayam,
Thiruvallur District - 601 102.

Copy to:-

The Section Officer,
V.R.Section,
High Court, Madras - 104.

+2cc to Mr.G.Thangavel, Advocate, SR.No.71342
+1cc to the Govt.Pleader, Vide Sr.No.72119

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Kak(24/09/2019)