

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.15147 of 2014

R.M.Eswaran

.... Petitioner

Vs.

1.The Accountant General,
361, Anna Salai, Chennai - 600 018.

2.The District of Elementary Education,
DPI Complex, Nungambakkam,
Chennai - 600 034.

3.The District Elementary Educational Officer,
Coimbatore District.

4.The Assistant Elementary Educational Officer,
Pollachi Taluk, Pollachi South,
Coimbatore District.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to revise the pensionary and terminal benefits of the petitioner by giving Secondary Grade Pay Scale from 01.01.1986 and also by granting Selection Grade and Special Grade increment from 30 years of service to the petitioner and to grant the same as per fifth pay commission.

For Petitioner : Mr.K.Samidurai

For Respondents : Mr.V.Vijayashankar for R1
Mr.K.Karthikeyan for RR2 to 4
Government Advocate

ORDER

This Writ Petition has been filed seeking for a direction to the respondents to revise the pensionary and terminal benefits in the Secondary Grade Pay Scale from 01.01.1986 and

also for Selection Grade and Special Grade increment fixation, as per the fifth pay commission recommendations.

2. The case of the petitioner is that he was appointed on 20.06.1977 as Vocational instructor in the Government school. On attaining the age of superannuation, he retired from service on 31.05.2008. Since, he has not possessed the requisite qualification of SSLC, which was the pre-condition, as per G.O. Ms. No.1366, Education Department, dated 05.09.1986, he was not sanctioned the scale of pay, including increments of Special Grade and Selection Grade on par with similarly placed persons. While so, the Government issued G.O. Ms. No.152, Education Department, dated 05.06.2005, fixing the scale of pay for the teachers, who do not possess SSLC qualifications on par with the retired craft teachers in the secondary grade scale of pay. Now, the grievance of the petitioner is that his salary has to be re-fixed, as per 5th pay Commission recommendations and consequently his pension and other consequential benefits have to be granted. For seeking the said relief, the petitioner is before this Court with the present writ petition.

3. The learned counsel for the petitioner relied on the Order of this Court in W.P. (MD) No.11846 of 2009, dated 19.12.2012 (S. Bhuvaneswari versus the Accountant General and two others), wherein this Court, directed the respondents therein, to re-fix the scale of pay of the petitioner therein, with all benefits. Hence, the learned counsel sought for the similar order in this writ petition as well.

4. The learned Government Advocate appearing for the respondents 2 to 4 has seriously objected to such request of the petitioner stating that the aforesaid order would not apply to the facts of the present case, especially, after three decades, now, the petitioner cannot seek such relief from this Court.

5. In view of the above submission, the learned counsel for the petitioner seeks liberty to file a fresh representation before the authorities concerned to ventilate his grievances.

6. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this writ petition stands disposed of, granting liberty to the petitioner to approach the authorities concerned to ventilate his grievances, if he is otherwise entitled for, by filing fresh representation. On such filing, the authorities concerned are directed to

consider the same on merits and in accordance with law, after

affording an opportunity of personal hearing to the petitioner,
as expeditiously as possible. No costs.

Sd/-

Assistant Registrar (CJ Conf)

//True Copy//

Sub Assistant Registrar

vsi2

To

- 1.The Accountant General,
361, Anna Salai, Chennai - 600 018.
- 2.The District of Elementary Education,
DPI Complex, Nungambakkam,
Chennai - 600 034.
- 3.The District Elementary Educational Officer,
Coimbatore District.
- 4.The Assistant Elementary Educational Officer,
Pollachi Taluk, Pollachi South,
Coimbatore District.

+1cc to Mr. V.Vijay Shankar, Advocate, S.R.No. 21297
+1cc to Mr. K.Samidurai, Advocate, S.R.No. 21951
+1cc to the Government Pleader, S.R.No. 22073

PA(CO)
GN(03/06/2019)

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