

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2019

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THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.33736 of 2018

P.Chandra

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Petitioner

Vs

1 The Government of Tamil Nadu

Rep by its Secretary to Government

School Education Department

Fort St.George Chennai-9

2 The Directorate of Elementary Education

College Road, Nungambakkam, Chennai-6.

3.The District Elementary Educational Officer

Villupuram.

4.The Assistant Elementary Educational Officer

Kandamangalam, Villupuram District.

Respondents

For Petitioner : M/s.V.Kannan

For Respondents : Ms.P.Kavitha,
Government Advocate (Education)

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to award Selection Grade / Special Grade to the petitioner in the Primary School Headmaster post with effect from the date when it was due and to pay pensionary benefits with arrears of salary and pension fixing my pay in the Special Grade in the Head Master post.

O R D E R

The petitioner served as Secondary Grade Teacher in Primary School and he was promoted as Head Master. She was allowed to retire from service on attaining the age of superannuation. In order to remove certain ambiguity in awarding Selection Grade / Special Grade pay, the Government issued G.O.Ms.No.216 dated 22.3.1993, introducing uniform scale of pay for all the secondary grade teachers. Hundreds of Secondary grade teachers, including the petitioner moved this Honourable Court by filing writ petitions, claiming benefits under G.O.Ms.No.216. Meanwhile, the Government issued G.O.Ms.No.62 dated 09.03.2015, bringing certain amendments to the G.O.Ms.No.216 and as such, the benefit of Selection Grade / Special Grade scales of pay as contemplated in para 3(ii) of G.O.Ms.No.216 were made applicable only in case of Secondary Grade teachers and other employees who were awarded Selection Grade / Special Grade between 01.06.1988 and 31.12.1995 and the same cannot be extended beyond that date. Having considered the fact that there were conflict of views between different Benches of this Honourable Court, the matter was referred to the larger Bench.

2. All the connected matters pertaining to the G.O.Ms.No.216 dated 22.3.1993, viz., Writ Appeals, Writ Petitions, Review Applications and Contempt Petitions, were placed before the Honourable Full Bench of this Court for the purpose of comprehensive pronouncement in respect of the subject matter. The Honourable Full Bench of this Court, passed a judgment dated 09.12.2016, directing the Government to implement the G.O.Ms.No.216 dated 22.3.1993 for the period between 01.06.1988 and 31.12.1995, on and from 01.03.2017 onwards in respect of all the secondary grade teachers of High / Higher Secondary Schools including the Special Teachers who attained Selection Grade / Special Grade during the above said period, on par with the pay scale of Primary School Headmasters. Now, the Government has passed G.O.Ms.No.90, School Education Department dated 09.05.2018 implementing the order of the Honourable Full Bench. The petitioner sent a representation to the respondents dated 24.04.2018 seeking implementation of the benefits of G.O.Ms.No.216 dated 22.3.1993, which has not been considered. Hence, the present writ petition is filed.

3. Considering the limited nature of the prayer, the writ petition is disposed of, directing the respondents to consider the representation of the petitioner dated 24.04.2018, in the light of the judgment of the Full Bench of this Court dated 09.12.2016 and G.O.Ms.No.90 dated 09.05.2018, and pass appropriate orders thereon, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

kst

To

1 The Government of Tamil Nadu
Rep by its Secretary to Government
School Education Department
Fort St.George Chennai-9

2 The Directorate of Elementary Education
College Road, Nungambakkam, Chennai-6.

3.The District Elementary Educational Officer, Villupuram.

4.The Assistant Elementary Educational Officer
Kandamangalam, Villupuram District.

+2ccs to M/s.V.Kannan, Advocate SR.No. 3941

+1 CC TO GOVERNMENT PLEADER SR.NO. 1041

W.P.No.33736 of 2018

A.SK(07/02/2019)