



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.7492 to 7494 of 2013

WEB COPY

N.Ramar ... Petitioner in W.P. (MD) No.7492 of 2013
R.Alagiah ... Petitioner in W.P. (MD) No.7493 of 2013
S.Ramaswami ... Petitioner in W.P. (MD) No.7494 of 2013

-Vs-

- 1.The Government of Tamil Nadu,
Represented by its Principal Secretary to Government,
Education Department, Fort St. George,
Chennai.
- 2.The Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George, Chennai.
- 3.The Director of Elementary School Education,
Directorate of Elementary Education,
D.P.I.Complex, College Road,
Chennai-6.
- 4.The Accountant General,
Office of the Accountant General,
(Accounts and Entitlements),
261, Anna Salai, Chennai. ... Respondents 1 to 4
in all Writ Petitions
- 5.The District Elementary Educational Officer,
Virudhunagar District, Virudhunagar.
- 6.The Additional Assistant Elementary Educational Officer,
Srivilliputhur, Virudhunagar District.
... Respondents 5 and 6
in W.P. (MD) No.7492 of 2013
- 5.The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.
- 6.The Additional Assistant Elementary Educational Officer,
Kadayanallur, Tirunelveli District.
... Respondents 5 and 6
in W.P. (MD) Nos.7493 and 7494 of 2013



PRAYER in W.P. (MD) No. 7492 of 2013: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 6th respondent by his proceedings dated 03.12.2010 in Na.Ka.No.1552/AA1/10, and quash the same and consequently direct the respondents 3 to 6 to revise the scale of pay of the petitioner in the special grade scale of pay in the post of Middle School Headmaster since 27.09.1995 and accordingly, pay the arrears of salary and re-fix the amount of pension paid to the petitioner in accordance with the G.O.Ms.No.210, (School Education (G-1) Department) dated 14.08.2009 and G.O.Ms.No.212, (School Education Department), dated 07.08.2000.

PRAYER in W.P. (MD) No. 7493 of 2013: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 6th respondent by his proceedings dated 08.11.2010 in Na.Ka.No.1185/AA1/10, and quash the same and consequently direct the respondents 3 to 6 to revise the scale of pay of the petitioner in the selection grade pay of scale in the post of Middle School Headmaster since 01.06.1988 and special grade scale of pay in the post of Middle School Head Master since 07.07.1988 and accordingly, pay the arrears of salary and re-fix the amount of pension paid to the petitioner in accordance with the G.O.Ms.No.210, (School Education (G-1) Department) dated 14.08.2009 and G.O.Ms.No.212, (School Education Department), dated 07.08.2000.

PRAYER in W.P. (MD) No. 7494 of 2013: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 6th respondent by his proceedings dated 08.11.2010 in Na.Ka.No.1185/AA1/10, and quash the same and consequently direct the respondents 3 to 6 to revise the scale of pay of the petitioner in the selection grade scale of pay in the post of Middle School Headmaster since 27.03.1986 and special grade scale of pay in the post of Middle School Head Master since 05.02.1992 and accordingly, pay the arrears of salary and re-fix the amount of pension paid to the petitioner in accordance with the G.O.Ms.No.210, (School Education (G-1) Department) dated 14.08.2009 and G.O.Ms.No.212, (School Education Department), dated 07.08.2000.

For Petitioner: Mr.N.Dilip Kumar
(in all Writ Petitions)
For R1 to R3 : Mrs.S.Srimathy,
R5 & R6 Special Government Pleader.
(in all Writ Petitions)
For R4 : Mr.P.Gunasekaran
(in all Writ Petitions)



COMMON ORDER

The orders dated 03.12.2010 and 08.11.2010, rejecting the claim of the writ petitioners for grant of special grade, is under challenge in the present Writ Petitions.

2. The writ petitioners filed these Writ Petitions after attaining the age of superannuation. The writ petitioners were appointed as Secondary Grade Teacher in the year 1972 and 1975 and thereafter, promoted as Middle School Headmaster. The writ petitioners claim that they are entitled for special grade of pay in the post of Middle School Headmaster based on G.O.Ms.No.210, (School Education (G-1) Department) dated 14.08.2009. The said Government Order was issued specifically, in respect of 65 Middle School Headmasters and those teachers had already worked as Elementary School Headmasters / Secondary Grade Teachers prior to 01.06.1988. In respect of those 65 persons, the Government passed an order, based on the Court order. The writ petitioners also are claiming the same benefit.

3. First of all, the Writ Petitions are itself filed after lapse of so many years from the retirement, claiming the benefit of special grade pay, taking into account the services rendered as Secondary Grade Teacher prior to 01.06.1988. In respect of promotions granted after 01.06.1988, these writ petitioners are not eligible to avail the benefit of special grade with reference to the Government Orders.

4. This being the ground, the Writ Petitions are not only belated but the writ petitioners are not extended for benefit. This apart, the writ petitioners are claiming the benefit, after lapse of so many years and the Writ Petitions are liable to be rejected on the ground of laches.

5. Accordingly, these Writ Petitions stand dismissed. No costs.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Education Department, Fort St. George,
Chennai.



2. The Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George, Chennai.

3. The Director of Elementary School Education,
Directorate of Elementary Education,
D.P.I. Complex, College Road,
Chennai-6.

4. The District Elementary Educational Officer,
Virudhunagar District, Virudhunagar.

5. The Additional Assistant Elementary Educational Officer,
Srivilliputhur, Virudhunagar District.

6. The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.

7. The Additional Assistant Elementary Educational Officer,
Kadayanallur, Tirunelveli District.

+3CC TO MR. N. DILIP KUMAR, Advocate Sr. No. 81366, 81367 & 81368
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR. No. 81341, 81342 & 81343

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