



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2019

CORAM

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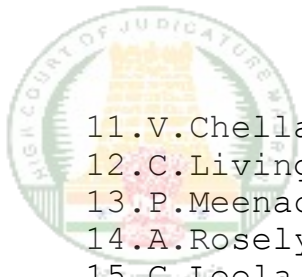
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) Nos.3599 of 2018 and 4574 of 2019
and
WMP. (MD)Nos.3728/2018 & 3657/2019

1.A.Michael
2.S.Maria Retnam
3.S.Arul Prakasam
4.F.Mariamuthu
5.J.Jespin Mary
6.S.Edwisammal
7.R.Maria Baranam
8.S.Daisy Ranjitha Bai
9.S.J.M.Glory Bai
10.A.Jesu Mary
11.S.Ramaiah
12.S.Emarid
13.A.maria Lourdu
14.M.Ponnammal
15.G.Bennet
16.K.Mariarputham
17.M.Hepsi Bai
18.M.Hepsi Bai
19.S.Mary Antony Michealal
20.S.Mary Antony Michealal
21.P.Kanagammal
22.M.Therese Lilly
23.G.M.Ronicam
24.M.Pathrose
25.C.Sundara Bai
26.V.Mathavadial
27.M.Mary
28.V.Birling Janet
2018

... Petitioners in W.P.(MD)No.3599 of

1.A.Jeba Raj
2.P.Pon Sobanam
3.P.Chella Samy
4.N.Deva Dhas
5.N.Shakul Hameed
6.D.Asari
7.K.Ponnaiyan
8.A.Manoharan
9.N.Nadesan
10.Y.Kadachcham



11.V.Chellam
12.C.Livingston
13.P.Meenachi Ammal
14.A.Rosely Ammal
15.G.Leela Bai
16.P.Gnanajesi Rose
17.N.Kunchamma
18.B.Saraswathi
19.D.Leela Bai
20.R.Leela Bai
21.a.Jancy
22.K.Pichi
23.R.Rajammal

... Petitioners in W.P.(MD)No.4574 of 2018

vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai - 9.
- 2.The Director of Elementary Education,
DPI Complex, College Road,
Nungambakkam, Chennai.
- 3.The District Elementary Education Officer,
Nagercoil, Kanyakumari District.

... Respondents in both the W.Ps.

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to grant secondary grade scale of pay to the petitioners for a period of service of the petitioners in the place of higher grade with the secondary grade qualification and to award the consequential benefits on a par with secondary grade teachers covered in G.O.(Ms)No.103, School Education Department, dated 24.05.2017, appointed along with the petitioners.

For Petitioners in

both the W.Ps. :Mr.R.Russel Raj

For Respondents in

both the W.Ps. :Mrs.S.Srimathy
Special Government Pleader

COMMON ORDER

Seeking consideration of their respective representations to grant secondary grade scale of pay for the period of their service



in the place of higher grade with the secondary grade qualification and award all benefits, in the light of the orders of this Court made in W.P.No.22799 of 2013, dated 20.08.2013, the petitioners are before this Court.

2. Heard the learned counsel for the petitioners and the learned Special Government Pleader for the respondents.

3. A Counter affidavit came to be filed by the respondents 2 and 3, wherein it is observed as follows:-

"3. I submit that all the petitioners herein are having qualifications of secondary grade teacher, but all of them were appointed as elementary grade teachers initially with their consent. Their appointments were made almost in the year 1960s. In the said post, they have rendered service for a short period and subsequently all of them were promoted as secondary grade teachers. Thereafter, all the petitioners got retired from their respective services in the years between 2000 to 2005.

4. I submit that their promotion as secondary grade teachers were made as per G.O.Ms.No.347, dated 15.09.1998. Now the petitioners' grievance is that the Government of Tamil Nadu has issued a G.O.Ms.No.103, School Education Department, dated 24.05.2017 and thereby awarded the secondary grade cadre pay scale and arrears of pay for the period of service rendered by 19 persons during the relevant time in higher grade by treating the said service as secondary grade service.

5. I submit that originally G.O.Ms.No.103, issued by the school education department will not be applicable for the petitioners' service. The order passed by this Court in W.P. (MD)No.3806 of 2006 dated 06.01.2010 is also not applicable for the petitioners' case, since they are not parties to the said writ petition. Further all of them have made such request after almost more than 20 years from their date of retirements. Therefore, such request cannot be considered due to delay and laches on the part of the petitioners."

4. Such submission made by the respondents in the counter affidavit is stoutly refuted by the learned counsel for the petitioners stating that the claim of the respective petitioners has not been considered by the respondents, in the light of the order of this Court made in W.P.No.22799 of 2013, dated 20.08.2013.

5. Considering the rival submissions, the respondents are directed to pass appropriate orders, on the representations of the petitioners, on merits and in accordance with law, and also in the light of the order of this Court dated 20.08.2013 in W.P.No.22799 of 2013, after affording an opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, these writ petitions are disposed



of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-II)

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/TRUE COPY/

Sub Assistant Registrar (CS)

To

1. The Secretary to Government,
School Education Department,
Secretariat, Chennai - 9.

2. The Director of Elementary Education,
DPI Complex, College Road,
Nungambakkam, Chennai.

3. The District Elementary Education Officer,
Nagercoil, Kanyakumari District.

+2 CC to M/s. R. RUSSEL RAJ, Advocate (SR-59064 & 59065 dated
04/04/2019)

+1 CC to M/s. SPL GP (SR-59279[F] dated 05/04/2019)

**W.P (MD) Nos. 3599 of 2018
and 4574 of 2019**

SP/'02.05.2019/ 4P/7C