



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.13650 of 2014

A.Gopalsamy

... Petitioner

-Vs-

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

2.The Principal Accountant General,
Office of the Accountant General
(Accounts and Entitlements),
361, Anna Salai, Chennai.

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

4.The District Elementary Educational Officer,
Tuticorin.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in Pen 10/IV/11009139/2012-13/ADK closed dated 02.04.2013 and quash the same and consequently, to direct the respondents 1 to 4 to revise the scale of pay of the petitioner in the Selection Grade / Special Grade in Headmaster cadre to the petitioner along with other eligible teachers and disburse the eligible monetary benefits and arrears to the petitioner in accordance with G.O.Ms.No.202 (School Education), G1 Department, dated 24.08.2008, within the time period stipulated by this Court.

For Petitioner	: Mr.T.Pon Ramkumar
For R1, R3 and R4	: Mrs.S.Srimathy
	Special Government Pleader
For R2	: Mr.P.Gunasekaran



ORDER

The order of Principal Accountant General, Tamil Nadu, dated 02.04.2013 rejecting the claim of the writ petitioner to extend the monetary benefits with reference to Government Order issued in G.O.Ms.No.202 (School Education, dated 24.08.2008, is under challenge in the present writ petition.

2.The learned Counsel for the writ petitioner states that the writ petitioner was joined as Primary School Headmaster in Aided Elementary Subramaniya Gounder Vidyalaya, Coimbatore District, on 08.08.1966 and he resigned the job as Senior Grade teacher in the Government High School, Ponni Goundampalayam, Coimbatore District and thereafter, he was transferred as Secondary Grade Teacher in Government Higher Secondary School, Kuruvikulam, Tirunelveli District. The writ petitioner, on attaining the age of superannuation on 30.01.2002, retired from service.

3.The writ petition itself was filed after a lapse of 12 years from the date of retirement. The claim of the writ petitioner is that the benefit granted by the Government in G.O.Ms.No.202, School Education Department, dated 24.08.2008 is not extended to him.

4.The learned Counsel appearing on behalf of the second respondent opposed the contention by stating that the terms and conditions are clearly stated in the Government Order. The writ petitioner was appointed as Secondary Grade Teacher and retired as Secondary Grade Teacher. At no point of time, the writ petitioner was promoted to the post of Elementary School Headmaster and the Government Order is applicable only in respect of the employees, who were promoted as Elementary School Headmaster prior to 01.06.1988. In view of the fact that the writ petitioner was not at all promoted to the post of Elementary School Headmaster prior to 01.06.1988, the Government Order is not applicable.

5.The claim of the writ petitioner that he was served as Elementary School Headmaster in Aided School may not have any avail. In view of the fact that the petitioner resigned his job and thereafter, re-joined as Secondary Grade Teacher as a fresh appointee. This being the factum, the order impugned and reasons stated are in consonance with the Government Order issued in G.O.Ms.No.202, School Education, dated 24.08.2008 and there is no infirmity as such.



6. Accordingly, the writ petition is devoid of merits and stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Principal Secretary,
The Government of Tamil Nadu,
Education Department,
Fort St. George, Chennai.
2. The Principal Accountant General,
Office of the Accountant
General (Accounts and Entitlements),
361, Anna Salai, Chennai.
3. The Director of Elementary Education,
Directorate of Elementary Education,
D.P.I. Complex, College Road, Chennai-6.
4. The District Elementary Educational Officer,
Tuticorin.

+1 CC to Mr. T. PON RAMKUMAR, Advocate SR-81609.
+1 CC to SPL GP SR-82009.
+1 CC to Mr. P. GUNASEKARAN, Advocate SR-82071.

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