



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.13591 of 2015

and

M.P. (MD) .No.1 of 2015

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Vaduganathan

... Petitioner

vs.

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

2.The Principal Accountant General
(Accounts & Entilements)
Tamil Nadu,
Chennai-18.

3.The Director of Elementary Education,
DPI Campus,
Chennai-6.

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

5.The Assistant Elementary Educational Officer,
Manamelkudi,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Pen 18/II/11816538/14-15/Rn/ADK dated 14.05.2015 and quash the same and consequently direct the respondents to extend the benefits of G.O.Ms.No.210, School Education (G1) Department, Dated 14.08.2009 and G.O.Ms.No.146, School Education (G1) Department, dated 19.06.2012 by providing Selection Grade/Special Grade in the post of Middle Headmaster from 22.12.1989 by counting the service of Secondary Grade Teachers by revising the petitioner's pay and pensionary benefits within stipulated time as may be fixed by this Court.



For Petitioner : Mr.T.A.Ebenezer
For R1,R3 to R5 : Mrs.S.Srimathy
Special Government Pleader
For R2 : Mr.P.Gunasekaran

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O R D E R

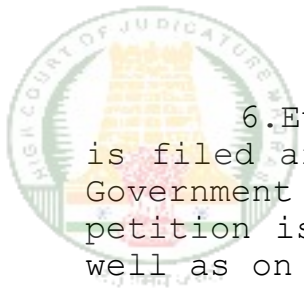
The order passed by the Principle Accountant General of Tamil Nad rejecting the claim of the writ petitioner for revision of pay fixation as per the G.O.Ms.No.146, dated 19.06.2012 and G.O.Ms.No.2 of 2010 dated 14.01.2009, is under challenge in the present writ petition.

2.the writ petitioner even at the time of filing the writ petition was aged about 70 years and filed the writ petition seeking revision of scale of pay by counting the period of service rendered by him as Secondary Grade Teacher for grant of Selection Grade and Special Grade before 01.10.1970.

3.The petitioner was appointed as Secondary Grade Headmaster in Primary School on 05.10.1966 and awarded Selection Grade on 05.10.1976 and Special Grade on 05.10.1986, the petitioner retired from service on 28.02.2002 voluntarily.

4.The claim of the writ petitioner is that prior to 01.10.1970, the scale of pay for the post of Secondary Grade Teacher and Primary School Headmaster and Middle School Headmaster were one and the same and the Middle School Headmaster became the promotional post with effect from 01.10.1970. However, during the 5th pay commission, the Government has decided that a Higher scale of pay is to be fixed for Primary School Headmaster. Thus, the persons promoted to the post of Elementary School Headmaster prior to 01.06.1988 alone are entitled to claim the benefit of service rendered prior to 01.06.1998 for the purpose of grant of selection grade and special grade.

5.As far as the case of the writ petitioner is concerned, he was appointed as Secondary Grade Headmaster on 05.10.1996 and promoted to the post of Middle School Headmaster on 22.12.1989 and retired from service on 28.02.2002. The petitioner was not promoted to the Elementary School Headmaster prior to 01.06.98. In view of the fact that he was not promoted to the post of Elementary School Headmaster prior to 01.06.1988 the benefit of the Government Order issued in G.O.Ms.No.201, dated 14.08.09 cannot be extended to the writ petitioner. This apart, the present writ petition is filed granting revision of scale of pay of the year 1988, even at the time of filing of the writ petition, the petitioner was aged about 70 years and now, he would be around as 75 years. Thus, the claim made in the writ petition is highly belated and liable to be rejected on the ground of laches also.



6. Even the counter statement states that the writ petition is filed after a lapse of 13 years from the date of passing of the Government Order in G.O.Ms.No.201. This being the factum, the writ petition is devoid of merits and stands dismissed both on merits as well as on the ground of laches.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

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To:

1. The Secretary,
The State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai-9.
2. The Director of Elementary Education,
DPI Campus,
Chennai-6.
3. The District Elementary Educational Officer,
Pudukottai District,
Pudukottai.
4. The Assistant Elementary Educational Officer,
Manamelkudi,
Pudukottai District.
5. The Principal Accountant General
(Accounts & Entilements)
Tamil Nadu, Chennai-18.

+1CC to Mr.T.A.Ebenezer, SR.No.84363.
+1CC to Mr.Gunasekaran, SR.No.83739.

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and

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