

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 31.07.2019****CORAM****THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM****W.P[MD]No.2669 of 2015**

WEB COPY

S.Ramaiah

... Petitioner

Vs.

1.The Accountant General,
Office of the Accountant General,
(Accounts and Entitlements),
261, Anna Salai, Chennai.

2.The Director of School Education,
Directorate of Elementary Education,
DPI Complex, College Road,
Chennai - 06.

3.The Chief Educational Officer,
Tirunelveli - 9.

4.The District Educational Officer,
Tenkasi,
Tirunelveli District - 627 811.

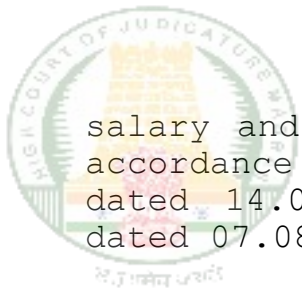
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to revise the scale of pay of the petitioner in the special grade scale of pay in the post of Middle School Headmaster since 27.03.1985 and accordingly, pay the arrears of salary and re-fix the amount of pension paid to the petitioner in accordance with 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
For Respondent No.1 : Mr.P.Gunasekaran
Standing Counsel
For Respondents 2 to 4 : Mrs.S.Srimathy
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is to direct the respondents to revise the scale of pay of the writ petitioner in the special grade scale of pay in the post of Middle School Headmaster since 27.03.1985 and accordingly, pay the arrears of



salary and re-fix the amount of pension paid to the petitioner in accordance with 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.

2. The writ petitioner filed the present writ petition at the age of 77 years. The writ petitioner attained the age of superannuation and retired from service on 30.11.1996. The petitioner slept over his right for many years. A person who has retired from service in the year 1996, filing the writ petition in the year 2015 seeking for revision of scale of pay in the post of Middle School Head Master with effect from 27.03.1985 when the writ petitioner was in service cannot be entertained. Thus, the writ petition is highly belated and cannot be entertained at all.

3. This apart, with reference to the eligibility of the writ petitioner for the revision of scale of pay, the counter filed by the fourth respondent states as follows:

"The petitioner was originally appointed as higher grade teacher on regular basis from 6.3.67 and then promoted as secondary grade teacher on 01.10.1969 in panchayat Union School. As per G.O.Ms.No.857, Education dated 23.05.1981, teachers of Panchayat Union Schools were absorbed as Government teachers from 01.06.1981. From 02.10.1970, Middle School headmasters were granted a higher scale of pay than primary school headmasters and secondary grade teachers. The petitioner was awarded selection grade in the secondary grade teacher post from 01.10.1979. Then he was promoted as Middle School headmaster of Panchayat Union Middle School Anaikulam in the equivalent category of B.T. Teacher from 27.03.1985 with the scale of pay equivalent to the scale of pay of B.T. Teacher. The Panchayat Union Middle School Anaikulam was upgraded as Government High School from 03.09.1986 and the petitioner was inducted with his post into high school as B.T. Teacher on 03.09.1986. On 3.9.1986, both Middle School headmaster and B.T. Teacher had identical scale of pay. The petitioner was not affected by his induction into high school as B.T. teacher, the petitioner was not degraded or secondary grade teacher consequent on his induction into high school. The averment of the petitioner that he was degraded as secondary grade teacher is not true."

4. In view of the fact that the writ petition itself was filed after a lapse of many years and the writ petitioner is not eligible for revision of scale of pay with effect from the year 1985, the claim set out in the writ petition is not only devoid of merits but is to be rejected on the ground of laches.



5. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar

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// True Copy //

Sub Assistant Registrar (CS)

To

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(Accounts and Entitlements),
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Tirunelveli District - 627 811.

+1 CC to Mr. N. DILIP KUMAR, Advocate (SR-79246[F] dated 01/08/2019)
+1 CC to SPL GP (SR-79193[F] dated 01/08/2019)

W.P[MD]No.2669 of 2015

31.07.2019

mr

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