

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 29.09.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 22438 OF 2013

AND

M.P. NOS. 1 OF 2013 & 1 OF 2014

Malliga

.. Petitioner

- Vs -

1. The State of Tamil Nadu
rep. By Secretary to Govt.
Education Department (Hr. Secondary)
Fort St. George, Chennai 600 009.
2. The Director of School Education
(Higher Secondary), Chennai - 6.
3. The Joint Director of School Education
(Higher Secondary), Chennai - 6.
4. The Chief Educational Officer
Panagal Building, Saidapet
Chennai 600 015.
5. The District Educational Officer
Chennai North, Egmore
Chennai 600 008.
6. The Secretary, School Committee
Lady M.CT.Muthaiah Chettiar Girls
Higher Secondary School
13/14, Dr.Alagappa Road
Purasawalkkam, Chennai - 84

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to pay the petitioner salary in the scale of pay applicable to Headmistress, Higher Secondary School, with effect from 1.7.2011.

For Petitioner : Ms. V.S.Manimekalai

For Respondents: Mr. Suresh Kumar, GA (Edn.) for RR-1 to 6

Mr. Najeed Usman for R-6

ORDER

It is the case of the petitioner that she has been working as a teacher since 16.10.1979. The School Committee promoted the petitioner and posted her as Headmistress in the 6th

respondent school and she joined the said post on 6.1.2011. However, an order of reversion was passed by the school committee on 4.5.2012 reverting the petitioner as PG Assistant based on the appeal filed by one Sivakami. Against the same, the petitioner filed W.P. No.14505 of 2012 to quash the order of reversion. This Court, at the time of entertaining the petition, granted an interim order in favour of the petitioner and, therefore, she continued as Headmistress. However, one Senthamizh Selvi filed an appeal against the order appointing the petitioner as Headmistress which was dismissed, against which she preferred W.P. No.34678/12. The 3rd respondent, by proceeding dated 28.11.12 confirmed the appointment of the petitioner as Headmistress. This Court, clubbed both the writ petitions and by order dated 14.12.17, while allowed the writ petition filed by the petitioner, dismissed the petition filed by Senthamizh Selvi. In the meanwhile, the petitioner retired from service on 30.6.14 as Headmistress, in view of the interim order granted by this Court. However, the terminal benefits and other benefits were not settled to the petitioner in the post of Headmistress, but only in the post of PG Assistant. Therefore, the present writ petition has been filed by the petitioner to settle the terminal and retirement benefits, including the pensionary benefits in the post of Headmistress.

2. While the learned counsel appearing for the petitioner reiterated the grounds raised by the petitioner and submitted that the earlier round of litigation having ended in favour of the petitioner, the petitioner, who has been granted the benefits only in the post of PG Assistant on retirement, is entitled for the terminal and pensionary benefits in the post of Headmistress, it is fairly conceded by the learned Government Advocate that the petitioner is entitled to be granted the terminal and pensionary benefits in the post of Headmistress.

3. In view of the fair submission made by the learned counsel on either side, this Court, without going into the issue in detail, directs the respondents to settle the terminal and pensionary benefits in the post of Headmistress from the date of her retirement and continue to pay the pensionary benefits in the post of Headmistress to the petitioner, if not already settled. The arrears of the terminal and pensionary benefits shall be computed and settled to the petitioner within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS)

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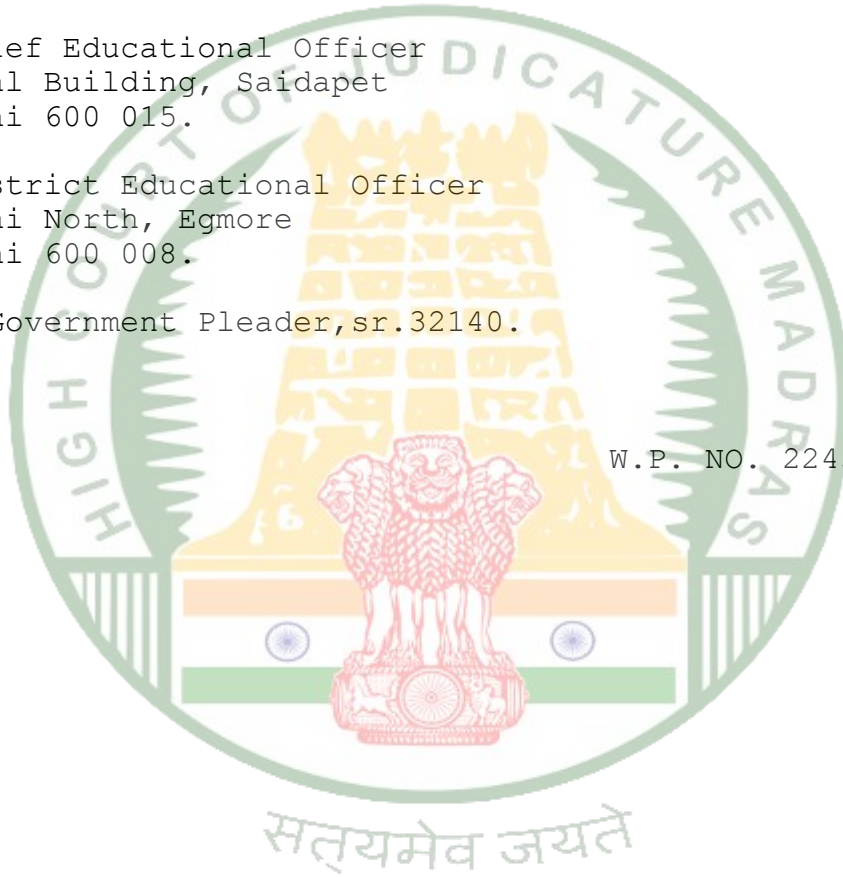
Sub Assistant Registrar

To

1. The Secretary to Government
Education Department (Hr. Secondary)
Government of Tamil Nadu
Fort St. George, Cheenai 600 009.
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Chennai 600 008.
- +1 cc to Government Pleader, sr.32140.

Ajs (co)
krd 3/11

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