

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.10102 of 2014

L.Ragunath

... Petitioner

Vs

1. The Government of Tamil Nadu
Rep. by its Secretary to Government,
Education Department,
Fort St. George,
Chennai - 600 009.

2. The Director of Elementary Education,
College Road,
Chennai - 600 006.

3. The District Elementary Education,
Dharmapuri.

....Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondents to reckon the services rendered by the petitioner in the cadre of Secondary grade teacher from 01.09.1979 till 31.08.1988 for the purpose of granting selection grade and special grade in the post of Elementary School Head Master with effect from 01.09.1989 and 01.09.1999 respectively with all consequential benefits such as refixation of pay, arrears of pay and other pensionary benefits.

For Petitioner : Mr.V.Suthakar

For Respondents: Mr.S.Suresh Kumar,
Government Advocate.

ORDER

This writ petition has been filed for a direction to reckon the services rendered by the petitioner in the cadre of Secondary grade teacher from 01.09.1979 till 31.08.1988 for the purpose of granting selection grade and special grade in the

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post of Elementary School Head Master with effect from 01.09.1989 and 01.09.1999 respectively with all consequential benefits such as refixation of pay, arrears of pay and other pensionary benefits.

2. It is the case of the petitioner that he was initially appointed as Higher Grade Teacher with effect from 02.07.1979 and thereafter promoted as Secondary Grade Teacher with effect from 01.09.1979 and working as such till 31.08.1988. Subsequently, he was promoted as Elementary school Head Master with effect from 01.09.1988 and on attaining the age of superannuation, he retired from service on 31.05.2013. It is his grievance that as per G.O. Ms.No.234, dated 10.09.2009, though he is eligible for the selection grade/special grade pay, as like of persons, who retired as Elementary School Head Masters, the said G.O. limits the benefit only to persons who have filed the original application before the Tribunal. Aggrieved by the said limits, he has given a representation to the respondents to reckon his services in the cadre of secondary grade teacher from 01.09.1979 till 31.08.1988, which would entitles him to get selection grade and special grade in the post as Head Master in Elementary School. Till date, the grievance of the petitioner has not been considered by the respondents, hence, he filed this writ petition seeking for an appropriate direction.

3. Learned counsel for the petitioner submits that services of similarly placed persons, who filed original applications, were counted and they availed the benefits extended as per G.O. Ms. No.234, dated 10.09.2009. Hence, he prays that it would suffice, if this Court issues a direction to the respondent to consider the representation of the petitioner within a time stipulated by this Court.

4. Learned Government Advocate appearing for the respondents vehemently oppose the contentions of the learned counsel for the petitioner and submitted that firstly the orders of the Tribunal in original application filed by similarly placed persons cannot be extended to the petitioner. Moreso, the petitioner is not entitled for any benefits as per G.O. 234, as the said G.O. stipulates that persons rendered services as Secondary Grade Teacher post combined with Primary school Headmaster prior to 01.06.1988 are alone eligible, whereas the petitioner rendered services after the period specified therein. Accordingly, his claim cannot be entertained on par with another person which is impermissible and unsustainable. However, a direction may be issued to the respondents to consider the petitioner's representation on merits and in accordance with

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law, within a reasonable time.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. On perusal, it is seen that the petitioner rendered services as secondary Grade Teacher from 02.07.1979 to 31.08.1979, whereas as per G.O. 234, persons holding combined post i.e. Secondary Grade Teacher and Primary School Headmaster prior to 01.06.1988 are alone entitled to avail benefits prescribed in the said G.O. However, this Court is of the view that the petitioner may be directed to submit a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider the same on merits and in accordance with law, within a period of twelve weeks thereafter.

7. With the above directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

To

1.The Secretary to Government,
Government of Tamil Nadu
Education Department,
Fort St. George,
Chennai - 600 009.

2.The Director of Elementary Education,
College Road,
Chennai - 600 006.

3.The District Elementary Education,
Dharmapuri.

+1cc to the Government Pleader SR.36068

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