

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.12.2020
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22976 of 2014
and MP No.1 of 2014

1. C. Annamalai
2. B.Krishnan
3. M.Perumalswamy
4. M. Kandavel
5. D.Balakrishnan
6. S.Krishnan
7. A. Maniar
8. M.Krishnaveni
9. M.Pushpamani
10. C.Rajamani
11. K.Jayalakshmi
12. M.Pushpamani
13. N.Rathinam

.... Petitioners

Vs.

1. The Government of Tamil Nadu
rep. By Secretary to the Government,
School Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Elementary Education,
College Road,
Chennai - 600 006.
3. The District Elementary Educational Officer,
Vellore District, Vellore.
4. The Additional Assistant Elementary
Educational Officer,
Alangayam Panchayat Union,
Alangayam,
Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ Certiorarified Mandamus to call for the records of the 2nd respondent issued in Na.Ka.No.2200/C2/2010, dated 23.7.2010 and quash the same in so far as it denies arrears of pay and issue a consequential direction to the respondents to grant arrears of pay in respect of pay fixation done under the G.O. Ms.No.207, School Education (G2) Department dated 30.09.2008.

For Petitioners : Mr.R.Saseetharan

For Respondents : Mr.S.Suresh Kumar
Government Advocate

ORDER

This writ petition has been filed by the petitioners to quash the order in Na.Ka.No.2200/C2/2010, dated 23.7.2010 issued by the 2nd respondent and for a consequential direction to the respondents to grant arrears of pay in respect of pay fixation done under the G.O. Ms.No.207, School Education (G2) Department dated 30.09.2008.

2. It is the case of the petitioners that petitioners 1 to 11 are retired Primary School Headmasters of Alangayam Panchayat Union, Vellore District and the petitioners 12 and 13 are the legal heirs of the deceased Primary School Headmasters. It is their grievance that though their pay has been fixed as per G.O. Ms.No.207, dated 30.09.2008, arrears of pay were not settled that too even after their retirement, whereas the arrears of pension were settled. It is averred in the petition that several Government Orders were issued for pay fixation in this regard for Teachers, who were promoted after 01.06.1988 as Primary School Headmasters. Hence, they were entitled for arrears of pay, and the issue of similar nature has already been dealt by this Court in W.P. No.20706 of 2010 and WP No.11739 of 2011 and favourable directions were issued to fix the pay pursuant to G.O. Ms.No.207, dated 30.09.2008. However, they have been denied the arrears of pension vide the impugned order, which has resulted in the filing of the present writ petition.

3. Learned counsel for the petitioners submit that the issue involved in this Writ Petition is wholly covered by the decision of this Court in W.P. Nos.20706, 21530 of 2010, etc. (batch case), dated 05.08.2011 and, therefore, similar orders may be passed in the light of the W.P. No.13147 of 2011, dated 16.08.2013.

4. The learned Government Advocate for the respondents submitted that he has no objection in following the order, dated 16.08.2013 rendered in W.P. No.13147 of 2011.

5. Heard the learned counsel on both sides and perused the materials available on record.

6. Similar issue fell for consideration before this Court in W.P. No.13147 of 2011 and this Court, vide order 16.08.2013,

issued the following directions and the same is extracted hereunder :-

4. At this stage, it would be beneficial to quote the relevant paragraphs of the order in W.P. Nos.20706, 21530 of 2010 referred supra :

"6. In all these matters, the petitioners had served as Primary School Headmasters and retired from service. It is seen from the perusal of the G.O. Ms.No.207 School Education Department, dated 30.09.2008 that for the persons, who have been appointed as Primary School Headmasters after 01.06.1988 their pay scales have to be fixed pursuant to the fixation of pay in the selection and special grade. The said Headmasters are entitled to claim retiral monetary benefits and benefits of fixation of pay.

7. Therefore, this Court is of the considered view that the impugned orders of the Director of Elementary Education, Chennai, rejecting the claim of the petitioners that they are entitled only to receive the monetary benefits in respect of arrears of pension alone are unsustainable. Accordingly, the impugned orders are set aside. Consequently, the Director of Elementary Education Chennai / the second respondent herein (first respondent in W.P. Nos.23639 to 23648 of 2010) is directed to consider the claim of the petitioners in the light of the G.O. Ms.No.207, School Education Department, dated 30.09.2008, as per para 7 and also in the light of the G.O. Ms.No.185, dated 16.12.2002, G.O. Ms.No.212, dated 07.08.2000 and G.O. Ms.No.238, dated 26.06.1998. It is made clear that the abovesaid exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above directions, these Petitions are disposed of".

5. Thus, in the light of the above quoted order, the petitioner is entitled to succeed and accordingly the Writ Petition is allowed and the impugned order is quashed and the respondents are directed to consider the claim of the petitioner and grant the arrears of pay, as sought for by the petitioner. The said exercise shall be completed within a period of

eight weeks from the date of receipt of a copy of this order. No costs."

7. In the light of the stand taken by the learned Special Government Pleader and also in the light of the issue already having been decided by this Court in W.P. No.13147/2011, as quoted above, following the same, the order impugned herein, dated 23.07.2010 is quashed and the writ petition is allowed in terms with the order passed in W.P. No.13147 of 2011. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to the Government,
Government of Tamil Nadu
School Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Elementary Education,
College Road,
Chennai - 600 006.
3. The District Elementary Educational Officer,
Vellore District, Vellore.
4. The Additional Assistant Elementary
Educational Officer,
Alangayam Panchayat Union,
Alangayam,
Vellore District.

+1cc to The Government Pleader, SR.NO.42270

AKM/17.02.21/ 4P- 6C/

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