

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.11.2020

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.16502 of 2014

P.Ramalingam

.. Petitioner

vs.

- 1.The State of Tamil Nadu,
Rep .by its Secretary to Government,
Finance Department (Pay Cell)
Fort. St.George, Chennai 600 009.
- 2.The State of Tamil Nadu,
Rep .by its Secretary to Government,
Education Department,
Fort. St.George, Chennai 600 009.
- 3.The Director of School Education,
(Higher Secondary),
College Road, Nungambakkam,
Chennai 600 006.
- 4.The Chief Educational Officer,
Manjakuppam,
Cuddalore District.
- 5.The Head Master,
Government Higher Secondary School,
Kumarachi,
Kattu Mannarkoil Taluk,
Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent and 3rd respondent to sanction the monetary and service benefits to the petitioner in the light of G.O.Ms.No.216 dated 22.03.1993 and taking note of the order passed by the High Court in W.P.No.16269 of 2012 to pass order for revising the petitioner's pensionary benefits and to pay arrears.

For Petitioners	: Mr.G.Nirmal Krishnan,
For Respondent(s)	: Mr.S.Thangavel, Special Government Pleader for R1
	: M/S.S.Suresh Kumar, Government Advocate for R2 to R4

ORDER

This writ petition has been filed by the petitioner, to direct the 2nd respondent and 3rd respondent to sanction the monetary and service benefits to the petitioner in the light of G.O.Ms.No.216 dated 22.03.1993 and taking note of the order passed by the High Court in W.P.No.16269 of 2012 to pass order for revising the petitioner's pensionary benefits and to pay arrears.

2.The case of the petitioner is that the petitioner entered service as Physical Education Training Teacher on 19.07.1972 and thereafter, he had retired from service under Voluntary Retirement Scheme on 18.11.2002. The grievance of the petitioner is that he has rendered 13 years of service in the education department and hence he is entitled to have the benefit of G.O.Ms.216 dated 22.03.1993. However, he was not granted selection grade special pay. In order to avail such benefits, the petitioner made a representation on 07.01.2014 to the respondents, and the same having not been considered, he has filed the present writ petition to extend the benefit of the G.O.Ms.No.216 dated 22.03.1993, taking note of the order passed in W.P.No.16269 of 2012.

3.Learned counsel for the petitioner submitted that after 20 years of service from 1972 to 1992, he got Special Grade of Physical Education Teacher Status from 19.07.1992 and he retired from service under voluntary retirement scheme on 18.11.2002. Therefore he is entitled to obtain the benefits as ordered by the Tami Nadu Government in G.O.Ms.No.216 during 1993 and he further submitted that similarly situated persons approached this Court and got order in-favour of them. Hence, it would suffice, if this Court may issue appropriate direction to the respondents to pass orders on the petitioner's representation dated 07.01.2014, within a reasonable time as fixed by this Court.

4.Learned Special Government Pleader appearing for the respondents, filed a detailed counter affidavit on behalf of the respondents, and submitted that since the G.O.Ms.No.216, dated 22.03.1993 cited above does not specifically say that the secondary grade teachers working in High School/Higher Secondary Schools shall be sanctioned selection/special grade on par with the Primary school Headmasters of Elementary Education Department. He further submitted that though the claim of the petitioner is based on equal qualifications only, it is very obvious that equal qualifications itself will not entitle to get equal pay scale as well as claiming his rights on par with other similarly situated persons at this belated stage is not justifiable one. Accordingly he prays for dismissal of the

petition.

5.This Court heard the rival submissions made by either side learned counsel and also perused the entire materials available on record.

6.The facts in the present case is not disputed one. Admittedly the petitioner has served as Physical Education Training Teacher from the year 1972 and retired under voluntary retirement scheme in the year 2002 and his entitlement for claiming the benefits of G.O.Ms.216, dated 22.03.1993 is also not disputed one. However, on perusal of the affidavit, it is noticed that he made representation to the respondents during the year 2014 for claiming the benefits prescribed in G.O.Ms.216 dated 22.03.1993. The writ petition has been filed only in the year 2014 and there is no proper explanation offered by the petitioner for inordinate delay in filing the present writ petition, after delay of 12 years when the G.O. on which the petitioner stakes his claim itself was issued in the year 1993. It is needless to say that if a person chooses to sleep over the matter and then suddenly wakes up after an interminable period, then such person cannot be allowed to reap the benefit. The petitioner in this case slept over his rights for long and woke up when he had the knowledge about the order obtained by similarly situated persons and the same is not amenable to judicial review at this belated stage. Therefore this petition is liable to be dismissed on the ground of delay in latches.

7.In view of the above, this prayer in the writ petition, cannot be granted and the petitioner hit by delay in latches, accordingly dismissed as latches. However, there shall be no order as to costs. The petitioner is at liberty to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrs

To

1.The Secretary to Government,
The State of Tamil Nadu,
Finance Department (Pay Cell)
Fort. St.George, Chennai 600 009.

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

3.The Director of School Education,
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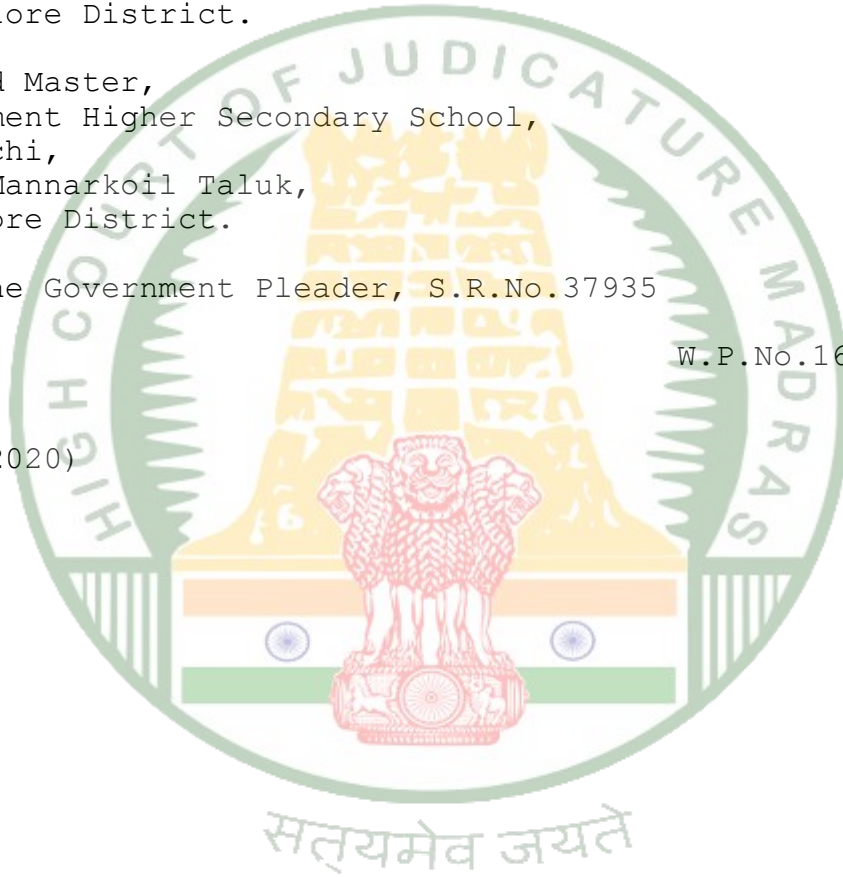
4.The Chief Educational Officer,
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5.The Head Master,
Government Higher Secondary School,
Kumarachi,
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+1cc to the Government Pleader, S.R.No.37935

W.P.No.16502 of 2014

AJB (CO)
GN (21/12/2020)



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