



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2020

CORAM:

THE HONOURABLE **MR.JUSTICE RMT.TEEKAA RAMAN**

W.P.(MD)No.1406 of 2014

WEB COPY

P.Mani

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep by Principal Secretary,
School Education Department,
Secretariat, Chennai-9.

2.The Director of School Education,
O/o. The Director of School Education,
College Road, Chennai-6.

3.The Chief Educational Officer,
Dindigul District, Dindigul.

4.The District Educational Officer,
Dindigul District, Dindigul.

5.The Headmaster,
NPR Government Higher Secondary School,
Ayyampalayam,
Dindigul District.

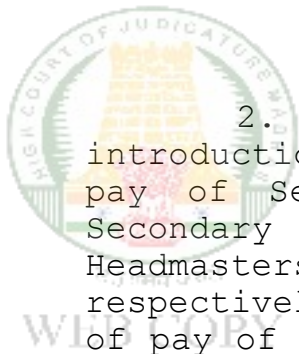
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in G.O.(Ms.)No.181 School Education (S.E3(1) Department dated 06.09.2013 on the file of the respondent No.1 and quash the same as illegal and consequently for a direction, directing the respondent No.1 to sanction the Selection Grade/Special Grade pay in the Headmaster Cadre to the petitioner along with other eligible teachers and disburse the eligible monetary benefits and arrears to the petitioner within the time period stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents	: Mr.N.Shanmuga Selvan, Additional Government Pleader.

ORDER

This petition has been filed for setting aside the impugned order dated 06.09.2013 and for a direction to the first respondent to sanction the Selection Grade/Special Grade pay in the Headmaster Cadre to the petitioner along with other eligible teachers and disburse the monetary benefits.



2. The case of the petitioner in brief is that till the introduction of the 5th Pay Commission on 01.06.1988, the scale of pay of Secondary Grade Teacher working in High Schools/Higher Secondary Schools were equal with that of the Primary School Headmasters in the ordinary Cadre, selection grade and special grade respectively and after introduction of 5th Pay Commission, the scale of pay of Primary School Headmasters were fixed higher than that of the Secondary Grade Teachers working in High Schools/Higher Secondary School.

3. It appears that in order to have uniformity, the Government issued G.O.Ms.No.216 Finance (Pay Commission) Department, dated 22.03.1993, thereby the Secondary Grade Teachers employed in High Schools/Higher Secondary Schools were also eligible for the scale of pay on par with the Primary School Headmaster.

4. A similarly placed person by name N.Govindarajan approached the Tamil Nadu Administrative Tribunal by filing O.A.No.8276 of 1997 seeking a direction to re-fix the scale of pay to him in terms of G.O.Ms.No.216 Finance (Pay Cell)Department, dated 22.03.1993. The Tamil Nadu State Administrative Tribunal in its order dated 07.10.1998 allowed the said original application and directed the respondents to re-fix the scale of pay of the applicant therein in terms of the G.O.Ms.No.216 and therefore, the Government has also issued G.O.Ms.No.258 dated 06.09.2010 granting relief to the said N.Govindarajan.

5. Now it is stated that G.O.Ms.No.258 in re-fixing the scale of pay was issued on 06.09.2010 and both writ petition have been filed and were allowed. The petitioner appears to be made representation only in the year 2013.

6. In view of the decision rendered by Full Bench of this Court in **2017(2) MLJ 257 (Government of Tamil Nadu and others Vs. G. Eswaran and others)** and taking note of the fact that the Writ Petition is filed in the year 2014 itself, the petitioner is entitled to the ratio laid down in the Full Bench Judgment of the Principal Seat and accordingly, the impugned order passed by the first respondent is set aside.

7. In the result, the Writ Petition stands allowed. The respondents are directed to disburse the eligible monetary benefits and arrears to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



trp

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Secretary,
School Education Department,
Secretariat,
Chennai-9.
- 2.The Director of School Education,
O/o. The Director of School Education,
College Road,
Chennai-6.
- 3.The Chief Educational Officer,
Dindigul District,
Dindigul.
- 4.The District Educational Officer,
Dindigul District,
Dindigul.
- 5.The Headmaster,
NPR Government Higher Secondary School,
Ayyampalayam,
Dindigul District.

+1 CC to Mr.T. LAJAPATHI ROY, Advocate (SR-16324[F] dated
09/09/2020)

W.P. (MD)No.1406 of 2014
08.09.2020
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VB (08.10.2020) 3P 7C