



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.226 of 2014

S.Kanagasabapathy

.. Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai-9.

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

3.The Chief Educational Officer,
Nagercoil.

4.The District Elementary Educational Officer,
Nagercoil, Kanyakumari District.

5.The Accountant General,
No.259, Anna Salai,
Block No.3, II Floor,
D.M.S. Compound,
Chennai-600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the fourth respondent in Na.Ka.No.1087/A1/2013, dated 18.10.2013, quash the same and direct the respondents to sanction Special Grade to the petitioner on and from April 2002 and Selection Grade from 30.03.1992 to September 1997 within a time fixed by this Court.

For Petitioner : Ms.J.Anandhavalli

For R1 to R4 : Mrs.S.Srimathy
Special Government Pleader

For R5 : Mr.P.Gunasekaran



ORDER

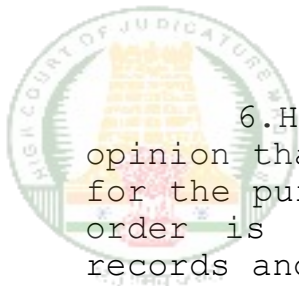
The order of rejection rejecting the claim of the writ petitioner to extend the benefit of G.O.Ms.No.210, School Education (G1) Department, dated 14.08.2009, is under challenge in the present writ petition.

2.The petitioner was appointed as B.T Assistant on 04.03.1982 and thereafter, transferred to Government Middle School, Peikulam, Kanyakumari District.

3.The learned counsel appearing on behalf of the writ petitioner made a submission that on completion of 10 years of service during the year 1992, the petitioner was eligible to get the Selection Grade Pay. Thereafter, the Special Grade Pay on completion of 20 years of service, soon after, the petitioner became eligible for Selection Grade Pay in the year 1992, he made a representation to the authorities concerned and he was informed that he is eligible from the year 1997. Thus, once again he submitted a representation to the authorities to grant the selection grade benefits. However, the authorities have not considered the case of the writ petitioner. The case of the similarly placed persons were considered by the Government and the order was issued in G.O.Ms.No.210, School Education (G1) Department, dated 14.08.2009. Relying on the said Government Order, the petitioner states that he is also entitled for the benefit on par with other similarly placed persons.

4.The learned Special Government Pleader appearing on behalf of the respondents 1 to 4 opposed the contentions by stating that G.O.Ms.No.210, School Education (G1) Department, dated 14.08.2009 was confined only in respect of 65 teachers alone and it is an order passed for the benefit of the said 65 persons. Thus, the said Government Order cannot be extended to all those teachers and the benefits are to be granted based on the services rendered and after verifying the service records of the teachers concerned.

5.The Hon'ble Full Bench also in the matter of G.O.Ms.No.216, Finance Department (Pay Cell), dated 22.03.1993 held that such individual benefits cannot be extended indefinitely and the aggrieved persons must approach the authorities as well as the Court of law within a reasonable period of time. In the present case, the writ petitioner was eligible to get Selection Grade Pay in the year 1992 and it is stated that he submitted a representation. However, the present writ petition is filed after a lapse of three years from the date of retirement. There is an enormous delay, even in approaching the Court of law for the redressal of grievances.



6.However, the learned Special Government Pleader is of the opinion that the service records of the petitioner is to be verified for the purpose of extending any such kind of benefit. The impugned order is silent with reference to such verification of service records and the other factors.

7.This being the facts, the impugned order passed by the fourth respondent in Na.Ka.No.1087/A1/2013, dated 18.10.2013 is quashed. The matter is remanded back to the respondents to verify the service records of the writ petitioner in the light of various Government Orders passed and take a decision regarding the eligibility of the writ petitioner to get any further benefit and accordingly pass appropriate orders as expeditiously as possible. The petitioner is permitted to submit fresh representation setting out the facts and details along with the documents to the authorities concerned.

8.With these directions, the writ petition stands allowed.
No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

- 1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai-19.
- 2.The Director of Elementary Education,
College Road, Nungambakkam,
Chennai-600 006.
- 3.The Chief Educational Officer,
Nagercoil.
- 4.The District Elementary Educational Officer,
Nagercoil, Kanyakumari District.

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