



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.537 of 2014

and

M.P. (MD) .No.1 of 2014

K.Karuppiah

... Petitioner

Vs.

1.The Principal Accountant General,
(Accounts and Entitlements),
381, Anna Salai,
Chennai - 600 018.

2.The District Adi Dravidar Welfare Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Special Tahsildar,
Adi Dravidar Welfare,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in his proceedings in Pen/9/2/10906847/RVN/12-13, dated 16.01.2013 and quash the same as illegal and consequentially to direct the 1st respondent to revise the scale of pay as per G.O.Ms.No.75, dated 25.07.2012, by awarding special grade in the post of Secondary Grade Teacher / Headmaster w.e.f. 10.03.2000 at Rs.8,000/- in the scale of 8000-275-13500 which a stipulated time.

For petitioner : Mr.C.Venkateshkumar,
for M/s.Ajmal Associates

For 1st respondent : Mr.P.Gunasekaran

For respondents 2 & 3 : Mr.S.Dhayalan,
Government Advocate

ORDER

This writ petition has been filed by the petitioner and the respondents have appeared and the order rejecting the claim of the petitioner to



revise the scale of pay, as per G.O.Ms.No.75, dated 25.07.2012 and to direct the respondents to revise the scale of pay of the petitioner as per the said G.O..

2. The learned counsel for the petitioner submitted that the petitioner was appointed as Higher Grade Teacher cum Warden at Government Tribal school, Shenbagatope, Ramanathapuram District on 08.02.1980 and due to want of vacancy, he was ousted from service on 30.04.1980. The petitioner was, thereafter, reappointed as Higher Grade Teacher cum Warden at Government Tribal School, Alanganoor, on 16.06.1981 by the 2nd respondent and he joined duty on 21.06.1981. While so, within a period of one week from the date of joining, the 2nd respondent, by his proceedings dated 24.06.1981, modified the earlier order and transferred and posted the petitioner as Headmaster, Adi Dravidar Welfare School, Vedavayal and as such, he joined duty on 01.07.1981. Thereafter, he was transferred and posted as Warden at Government Boys Hostel, Thiruvadanai on 08.07.1986. After completion of 10 years of service as Secondary Grade Teacher cum Warden, he was awarded with Selection Grade with effect from 11.03.1990 and Special Grade with effect from 25.03.2000 in the cadre of Secondary Grade Teacher. Thereafter, he was transferred and posted as Assistant Teacher at Government ADW Middle School, Sengapadai from 01.11.2002 onwards and retired from service on attaining the age of superannuation on 31.05.2008. The Government by G.O.Ms.No.75 dated 25.07.2012 directed to revise the scale of pay for Selection Grade / Special Grade for Secondary Grade Teachers / Elementary School Headmasters, who have served on or before 01.06.1988. As per the said G.O., prior to 01.06.1988, the petitioner was served as Headmaster/Secondary Grade Teacher and therefore, he is entitled to the benefit of G.O.Ms.No75.

3.The learned counsel for the petitioner would further submit that seeking to extend the benefit of G.O.Ms.No.75, the petitioner has submitted a representation to the 3rd respondent and the 3rd respondent forwarded the same to the first respondent along with Service Register. But, the first respondent, by the impugned order dated 16.01.2013, rejected the claim of the petitioner stating that he had worked only as a Selection Grade Assistant and Warden in various ADW Schools till his retirement, except for one day ie., on 01.07.1981 as Headmaster and he was terminated on the same day on 01.07.1981 and no entry has been recorded in Service Book regarding the official's posting as Primary School Headmaster prior to 01.06.1988. Challenging the said order, the petitioner has filled this Writ Petition. The first respondent, without considering the entries made in the service register, has erroneously rejected the claim of the petitioner. Hence, he prayed to allow this writ petition.



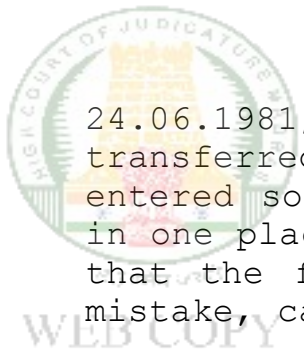
4. The learned counsel appearing for the first respondent has reiterated the grounds raised in the impugned order and prayed to dismiss this writ petition.

5. A perusal of records show that as per the proceedings of the 2nd respondent, dated 24.06.1981, the petitioner was transferred and posted as Headmaster, Adi Dravidar Welfare School, Vedavayal. In the Service Register of the petitioner at page No.8 Column No.1, it is noted that the petitioner was posted as Headmaster at Adi Dravidar Welfare Primary School, Vadavayal, Ramand District and the same was also endorsed by the Special Tahsildar (Adi Dravidar) and at page No.10 also it is noted that the petitioner was working as Secondary Grade Headmaster and he was also granted yearly increments in the said post and the same was also endorsed by the Special Tahsildar (Adi Dravidar). He was also conferred Selection Grade in the cadre of Elementary School Headmaster on 11.03.1990.

6. It is not in dispute that the scale of pay for Secondary Grade Teacher, Warden and Primary School Headmaster was identical upto 31.05.1988. It is stated that the post of Primary School Headmaster is otherwise called as the Secondary Grade Headmaster. Though it is stated by the first respondent in the impugned order that the petitioner had worked one day ie., on 01.07.1981 as Headmaster and thereafter, it was terminated, there is no entry with regard to such termination in the Service Register of the petitioner. Therefore, it can be concluded that as per the proceedings of 2nd the respondent dated 24.06.1981, the petitioner continued in the said post. Though in the proceedings dated 24.06.1981, it is clearly stated that the petitioner is transferred and posted as Headmaster, at page No.9 of the Service Register of the petitioner, it has been generally stated as if the petitioner is transferred and posted as "teacher" and therefore, the entry of "teacher" can be taken as a clerical mistake. As the petitioner was worked as Headmaster of Elementary School prior to 01.06.1988, he is entitled to get the benefit of G.O.Ms.No.75. Without considering the above aspects, the first respondent has erroneously rejected the claim of the petitioner.

7. At this juncture, the learned counsel for the first respondent submitted that if the above said mistaken entry is corrected by the second and third respondents, then there would not be any impediment for him to extend the benefit to the petitioner.

8. This Court is of the view that as the petitioner has already been retired from service, it would not be proper to make him to run for getting the service register corrected. As stated earlier in the proceedings of the 2nd respondent, dated



24.06.1981, it is clearly stated that the petitioner is transferred and posted as Headmaster and the same has also been entered so in most of the places in the Service Register, except in one place as "teacher" and therefore, this Court is of the view that the first respondent, without taking note of such clerical mistake, can extend the benefit of G.O.Ms.No.75 to the petitioner.

9. In view of the above, the impugned order is set aside and the 2nd and 3rd respondents are directed to forward the proposal once again to the first respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such proposal, the first respondent shall extend the benefit of G.O.Ms.No.75 to the petitioner and to pay the monetary benefits within a period of eight weeks thereafter.

10. This Writ Petition stands disposed of accordingly.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gcg

To

1.The Principal Accountant General,
(Accounts and Entitlements),
381, Anna Salai,
Chennai - 600 018.

2.The District Adi Dravidar Welfare Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Special Tahsildar,
Adi Dravidar Welfare,
Ramanathapuram District.



+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-7375[F] dated 20/02/2020)

+1 CC to MR.P.GUNASEKARAN, Advocate (SR-7561[F] dated 21/02/2020)

+1 CC to SPL.GP (SR-7266[F] dated 20/02/2020)

Order made in
W.P(MD)No.537 of 2014
19.02.2020

KM (26.05.2020) 5P 7C