



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.5691 of 2009

M.Subbiah

... Petitioner

Vs

1.The Government of Tamil Nadu,
rep. by the Secretary to the Government,
School Education Department,
Fort St. George, Chennai-600 009.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in Na.Ka.No.29703/L1/2006 dated 21.11.2007 and quash the same in so far as the denial of selection grade is concerned and direct the Respondents to grant Selection Grade to the Petitioner in the Post of Secondary Grade Teacher with effect from 01.09.1988 by counting the service rendered by the Petitioner in the Selection Grade Scale of Higher Grade Teacher and grant all consequential benefits to the Petitioner.

For Petitioner : Mr.P.Manoj Kumar

For Respondents : Mr.C.Selvaraj
Government Advocate

ORDER

The petitioner was initially appointed as a Higher Grade Teacher in the Panchayat Union Primary School, Cudaloor, Vasudevanallur Block, Tirunelveli District on 16.07.1970 and was promoted as a Secondary Grade Teacher on 01.09.1988. According to him, the pay fixation as per G.O.Ms.No.210, Personnel and Administrative Reforms Department, dated 11.03.1987 would apply to him and as such he challenges its non-application to his case.

2. According to him, the aforesaid G.O., if applied, would entitle him to selection grade in the post of Secondary Grade Teacher from 01.09.1988 onwards. However, no claim was made when he was in service to the aforesaid effect. The petitioner has retired



voluntarily from service on 31.12.2003 and no claim was made by him even at the time of retirement.

3. On 02.02.2005, he filed a representation seeking benefit, as aforesaid. Since the representation was kept pending, he sought a mandamus for disposal of the same in WP.No.29617 of 2005, which came to be disposed on 15.09.2005, directing the respondents to dispose the same not later than 31.10.2005. Admittedly, this order has not been complied with in a timely fashion by the authorities and the impugned order has come to be passed only on 21.11.2007.

4. The petitioner has taken his own sweet time in challenging the aforesaid order by way of the present writ petition filed on 29.01.2009. In all, the time lines for the relief sought have been extended beyond acceptable parameters. This writ petition is itself of the year 2009, admitted on 06.04.2009 and after hearings in 2010 and 2013 has come up for hearing only in 2021.

5. In light of the aforesaid, I see no reason to adjudicate upon this matter on merits and dismiss the same. No costs.

vs

-sd/-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Government of Tamil Nadu,
rep. by the Secretary to the Government,
School Education Department,
Fort St. George, Chennai-600 009.

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

+1 C.C. TO MR.P.RAJENDRAN, ADVOCATE SR.NO.49387/2021

+1 C.C. TO GOVERNMENT PLEADER, SR.NO.49794/2021

W.P.No.5691 of 2009

PVS (CO)
DV (20/10/2021)