



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.3872 & 3873 of 2015

M.Ramasamy ... Petitioner in W.P.No.3872 of 2015

S.Annadurai ... Petitioner in W.P.No.3873 of 2015

Vs

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

2. The District Elementary Educational Officer,
Namakkal, Namakkal District.

... Respondents 1 and 2 in both the WPs

3. The Assistant Elementary Educational Officer,
Erumapatti, Namakkal District.

... 3rd respondent in WP.No.3872/2015

The Assistant Elementary Educational Officer,
Pallipalaym, Namakkal District.

... 3rd respondent in WP.No.3873/2015

4. The Accountant General (A & E),
Tamil Nadu, Anna Salai,
Chennai - 600 002.

... 4th Respondent in both W.Ps

COMMON PRAYER : Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to fix the petitioners pay in the pay band of Rs.15,600 - 39,100 PB - III plus Rs.5,400 Grade Pay with effect from 01.01.2006 and grant them all consequential benefits.

In both W.Ps :

For Petitioner : Mr.P.Rajendran

For R1 to R3 : Mr.A.Rajaperumal, AGP

For R4 : Ms.T.S.Selvarani



COMMON ORDER

The relief sought in these writ petitions is to direct the respondents to fix the petitioners pay in the pay band of Rs.15,600 - 39,100 PB - III plus Rs.5,400 Grade Pay with effect from 01.01.2006 and grant him all consequential benefits.

2. According to the petitioners, they were appointed as Secondary Grade Teachers on 03.03.1980 and 18.01.1984 respectively. Subsequently, they were granted selection grade in the said post after completion of ten years of service. Thereafter, they were promoted as Primary School Headmasters on 01.07.1999 and 03.06.2002 respectively and they were granted selection grade in the said post on 03.03.2000 and 26.01.2004 respectively and their scale of pay was Rs.6,500-200-10,500. While so, they were promoted as Middle School Headmasters on 04.07.2005 and they retired from service, on attaining the age of superannuation on 31.07.2011 and 31.07.2010 respectively. It is the further case of the petitioners that by G.O.Ms.No.234 Finance (Pay Cell) Department, dated 01.06.2009, the Government revised the scale of pay of the Primary School as well as Middle School Headmasters, as per the recommendations of the official committee, according to which, the selection grade scale of pay for the post of Primary School Headmaster was revised as Rs.15,600 - 39,100 plus grade pay of Rs.5,400/-. Therefore, they submitted representations on 04.03.2014 and 09.02.2014 respectively to the respondents requesting to revise their scale of pay. Since the said representations were not considered, the petitioners are before this Court with the present two writ petitions.

3. Upon notice, the 2nd respondent filed a detailed counter affidavit, inter alia stating that the petitioners claimed monetary benefits in the light of G.O.Ms.No.234 Finance (Pay Cell) Department dated 01.06.2009 read with Government letter dated 05.01.2012, but giving effect to the circular issued by the 1st respondent vide Na.Ka.No.2200/C2/2010 dated 05.10.2010; and as per the said circular which was referred to G.O.Ms.No.185 dated 16.12.2002 and G.O.Ms.No.160 dated 23.08.2005, monetary benefits were granted only to the restricted persons in respect of revision of pensionary benefits and not arrears of pay.

4. The 4th respondent also filed a detailed counter affidavit, inter alia stating that the petitioners were in lower post of selection grade primary school Headmaster in the scale of pay of Rs.6,500-10,500; on promotion as Middle School Headmaster (Ordinary Grade), the petitioners are entitled to scale of pay of Rs.5,900-9,000; as the scale of pay was in lower in cadre, on promotion they were allowed to draw pay in the



scale prior to their promotion as per G.O.Ms.No.590 Finance (PC) Department dated 01.08.1992; on 01.01.2006, the pay drawn by them in the higher scale of lower post was duly taken into account and by applying factor of 1.86 fixing their pay from 01.01.2006 in the pay band and grade pay relating to the post held by them i.e. Headmaster Middle School Ordinary Grade. It is further stated that there is no provision in the Pay Commission to grant Grade Pay of Selection Grade Primary School Headmaster Post to Ordinary Grade Middle School Headmaster and hence, the present writ petitions are not maintainable.

5.The learned counsel for the petitioners has seriously opposed the averments made in the counter affidavits filed by the respondents 2 and 4. According to him, the petitioners are entitled to revised scale of pay of Rs.15600-39100 PB III plus Rs.5400 Grade pay with effect from 01.01.2006 and hence, the respondents may be directed to dispose of the representations submitted by the petitioners.

6.On the other hand, the learned Additional Government Pleader appearing for the respondents 1 to 3 fairly submitted that the respondent authorities would consider the representations of the petitioners and pass orders, on merits, within a time frame to be stipulated by this Court.

7.Considering the facts and circumstances of the case and having regard to the submissions now made by the learned counsel on either side, this Court directs the respondents to consider the petitioners' respective representations dated 04.03.2014 & 09.02.2014, if not already considered and pass appropriate orders, on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

8.These Writ Petitions are disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mtl



To

1. The Director of Elementary Education,
College Road, Chennai - 600 006.
2. The District Elementary Educational Officer,
Namakkal, Namakkal District.
3. The Assistant Elementary Educational Officer,
Erumapatti, Namakkal District.
4. The Assistant Elementary Educational Officer,
Pallipalaym, Namakkal District.
5. The Accountant General (A & E),
Tamil Nadu, Anna Salai,
Chennai - 600 002.

+1CC to the Government Pleader, Sr.No.18435

W.P.Nos.3872 & 3873 of 2015

UM (CO)
K.RK. (20.07.2021)