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W.A.No.2153 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 02.12.2021

CORAM:

**THE HON'BLE MR. JUSTICE M.DURAISWAMY
AND
THE HON'BLE MR. J. SATHYA NARAYANA PRASAD**

W.A.No.2153 of 2018 and

C.M.P.No. 16650 of 2018

1. The Director of Elementary Education,
College Road, Chennai – 6.

2. The Chief Educational Officer,
Ramnad.

3. The District Elementary Educational Officer,
Sivagangai.

... Appellants

v.

A.Soosaimanickam

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order
made in W.P.No.49392 of 2010, dated 13.07.2012.

For Appellants : Mrs.S.Mythreye Chandru
Special Government Pleader
(School Edun)

For Respondents : Ms. AL.Gandhimathi



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JUDGMENT

(Judgment was delivered by M. DURAISWAMY, J.)

Challenging the order passed W.P.No.49392 of 2010, the respondents in the Writ Petition have filed the above Writ Appeal.

2. The respondent filed the Writ Petition to grant Special Grade Middle School Headmaster pay in the pay scale of Rs.2,200-4,000 with effect from 1.6.1988 and grant all other attendant benefits.

3. The learned Single Judge, by order dated 13.07.2012, allowed the Writ Petition and directed the respondents to grant Selection Grade and Special Grade, by taking into consideration the service rendered by the Writ Petitioner, as Selection Grade Teacher and Primary School Headmaster with all consequential attendant and other benefits in accordance with law. Challenging the said order, the appellants have filed the above Writ Appeal.



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4. When the Writ Appeal is taken up for hearing, Mrs.S.Mythreye Chandru, learned Special Government Pleader (School Education), appearing for the appellants fairly submitted that the issue involved in the Writ Appeal has already been decided against the Government in a batch of Writ Appeals in W.A.Nos. 73 of 2019 etc batch, dated 26.03.2019, wherein, the Division Bench of this Court has held as follows:

“..... 8. ... Following the above decision, all the writ appeals are dismissed. The appellants are directed to grant the benefits of G.O.Ms. No. 210 School Education (G1) Department, dated 14.08.2009, to all the respondents and fix their pay in Selection Grade / Special Grade in the post of Middle School Headmaster, by counting the service rendered as Secondary Grade Teacher/Primary School Headmaster/Elementary School Headmaster, from the date of their promotion to the post of Middle School Headmaster, if they were not given the same already, with all monetary benefits and the pensionary benefits with arrears till the date of his death. Though, Mr.C. Munusamy, learned



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Special Government Pleader (Education) sought four months time to complete the exercise of revising the pay in the Selection Grade / Special Grade to the respondents, and consequently revise the pension / family pension, considering the long period of litigation, which the retired employees / members of the family of the retired employees have to undergo, litigation expenses etc., we, deem it fit, to direct the appellants, to fix the pay in the Selection Grade / Special Grade, within a period of four weeks, from the date of receipt of a copy of this judgment and consequently the appellants are further directed to revise the pension / family pension, and disburse both arrears of salary and differential pension, within a period of eight weeks, thereafter. Consequently, connected civil miscellaneous petitions are closed. No costs."

5. Since the issue has already been decided by the Division Bench, there is no need for further adjudication in the present Writ Appeal.



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6. Following the said Judgment passed in W.A.Nos. 73 of 2019 etc batch, dated 26.03.2019, the Writ Appeal stands dismissed. We direct the appellants to complete the exercise as directed by the learned single Judge, within a period of six weeks, from the date of receipt of a copy of this Judgment. No costs. Consequently, the connected Miscellaneous Petition is closed.

[M.D., J.] [J.S.N.P., J.]

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Index : Yes/No

Internet: Yes

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