



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P.No.13739 of 2021

N.Sekar

...Petitioner

Versus

1. The Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Director of Elementary Education,
College Road, Chennai - 600 006.
3. The District Educational Officer,
Ariyalur, Ariyalur District.
4. The Block Educational Officer,
Block Education Office,
Ariyalur, Ariyalur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertains to the order in O.Mu.No.013/A2/04.01.2021, dated 12.02.2021, issued by the 4th Respondent and quash the same and further direct the District Elementary Educational Officer, Ariyalur, Ariyalur District the 3rd Respondent herein, to grant the Personal Pay of Rs 750/- as per G.O.Ms. No. 23, Finance (Pay Cell) Department, dated 12.01.2011, in terms of the judgments of the High court in the cases of similarly placed Teachers in W.P (MD). No. 19240 of 2014, dated 02.01.2018 and in W.P. (MD) No.16800 of 2015, dated 11.02.2020, as confirmed in W.A. (MD). No.962 of 2018, dated 29.04.2021 with all attendant and consequential benefit arising thereof in the pay of Secondary Grade Teacher, w.e.f 04.01.2006, till the date of promotion as B.T. Assistant that is up to 12.10.2009 and thereafter the same is to be merged with the basic pay while fixing the pay in the promoted post of B.T. Assistant, within a time scheduled.

For Petitioner : Mr.R.Muthukannu
For Respondents : Mr.C.Kathiravan
Government Advocate



ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the order dated 12.02.2021 issued by the 4th respondent and to direct the the 2nd respondent viz., District Elementary Educational Officer, Ariyalur, Ariyalur District herein to grant the Personal Pay of Rs.750/-, as per G.O.Ms.No.23, Finance (Pay Cell) Department, dated 12.01.2011 and in terms of the judgements of this Court in the cases of similarly placed teachers in W.P.(MD)No.19240 of 2014, dated 02.01.2018 and in W.P.(MD)No.16800 of 2015, dated 11.02.2020, as confirmed in W.A.(MD)No.962 of 2018, dated 29.04.2021.

2.The learned counsel appearing for the petitioner states that this Court has earlier allowed the writ petition filed by the similarly placed teachers in W.P.(MD)No.19240 of 2014 by an order dated 02.01.2018. The petitioner was appointed as Junior Grade Secondary Grade Teacher on 04.01.2006 and his service was regularized w.e.f. 01.06.2006 as Secondary Grade Teacher and time scale of pay was granted to the petitioner. The petitioner was also promoted as B.T. Assistant (Maths) on 12.10.2009. Vide G.O.Ms.No.270, Finance (Pay Cell) Department, dated 26.08.2010, a Special Allowance of Rs.500/- was granted to the Secondary Grade Teachers w.e.f. 01.01.2006. By subsequent Government order vide G.O.Ms.No.23 Finance (Pay Cell) Department, dated 12.01.2011, a sum of Rs.750/- was granted to the Secondary Grade Teachers w.e.f.01.01.2006. When the individual representation for Personal Pay of Rs.750 was denied to individuals, a writ petition came to be filed in W.P.(MD)No.19240 of 2014 and the same was allowed by an order dated 02.01.2018. A similar order was passed in yet another writ petition in W.P.(MD)No.16800 of 2015 which was disposed of by an order dated 11.02.2020. The petitioner also sent a representation seeking benefits of the Government orders in terms of the judgements of this Court, wherein the request for Personal Pay for similarly placed Teachers was allowed. By the impugned order dated 12.02.2021, the representation of the petitioner was returned with a direction to the petitioner to produce the Court order in the case of the petitioner or the Government order issued in the case of petitioner. Challenging the order dated 12.02.2021, the above writ petition is filed.

3.This Court specifically wanted the learned Government Advocate to take notice for the respondents 1 and 3 and to get instructions regarding the writ petitions earlier disposed of allowing the prayer where similarly placed persons were found entitled to Personal Pay of Rs.750/- as per the Government Order.

4.The learned counsel appearing for the petitioner though states that an appeal was filed as against the order of the



learned single Judge granting benefit of Government order to the petitioner, the learned counsel for the petitioner produced before this Court an order dated 29.04.2021 passed by the Division Bench of this Court, dismissing the writ appeal as against the order of the learned single Judge placing reliance on G.O.Ms.No.270, dated 26.08.2010 and G.O.Ms.No.23, dated 12.01.2011 respectively.

5.Having regard to the view taken by this Court in several writ petitions and the order passed by the Division Bench, this Court is of the view that the petitioner is entitled to succeed in this writ petition.

6.As a result, this writ petition stands allowed. The order dated 12.02.2021 issued by the 4th respondent is hereby set aside and the 2nd respondent is directed to grant Personal Pay of Rs.750 as per G.O.Ms.No.23 Finance (Pay Cell) Department, dated 12.01.2011 and in terms of orders of this Court and the judgement passed by the Division Bench in W.A.(MD)No.962 of 2018, dated 29.04.2021. No Costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Director of Elementary Education,
College Road, Chennai - 600 006.
3. The District Educational Officer,
Ariyalur, Ariyalur District.
4. The Block Educational Officer,
Block Education Office,
Ariyalur, Ariyalur District.

+1cc to Mr.R.Muthukannu, Advocate, S.R.No.34469

W.P.No.13739 of 2021

PVS[co]
NSK 22/09/2021