

IN THE HIGH COURT OF JUDICATURE AT MADRAS

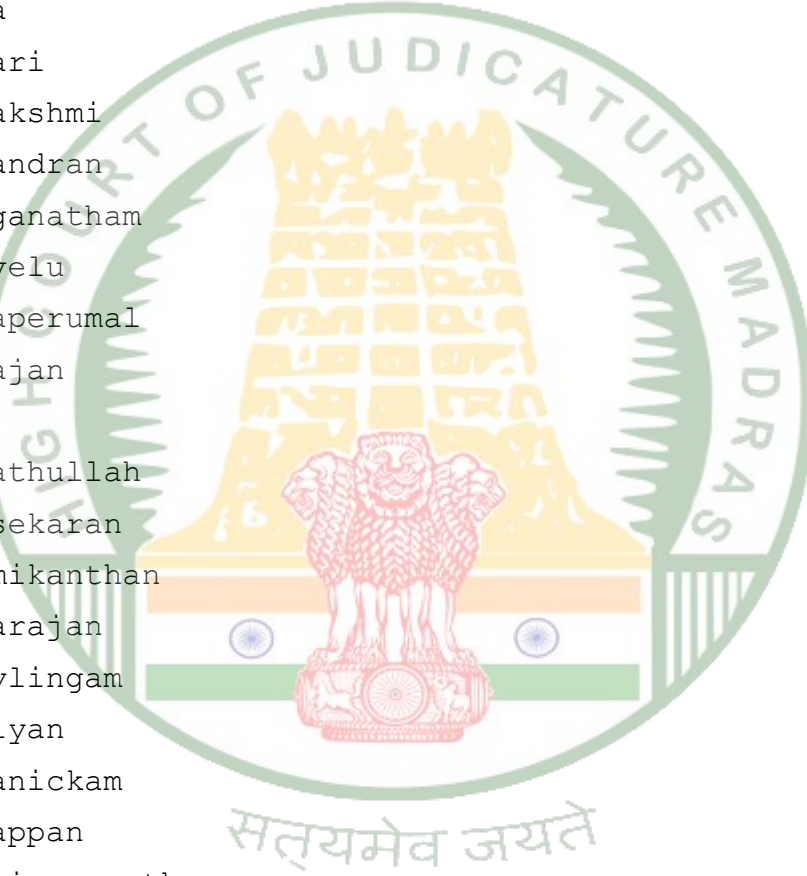
DATED : 07.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.8174 of 2014

1. P.Chelladurai
2. M.Chandrasekar
3. V.Saroja
4. C.Lalitha
5. M.Rajeswari
6. R.Jeyalakshmi
7. N.Ramachandran
8. N.Shanmuganatham
9. N.Palanivelu
10. U.Kaliyaperumal
11. P.Natarajan
12. P.Ayoob
13. I.Ragamathullah
14. Chandrasekaran
15. M.Lakshmikanthan
16. S.Thiagarajan
17. S.Vaithylingam
18. K.Kannaiyan
19. V.Rajamanickam
20. N.Chellappan
21. S.Thatchinamoorthy
22. V.Rathinam
23. N.Jayaraman
24. S.Jambunathan
25. D.Viswanathan
26. S.Arumugam
27. G.Krishnamoorthy
28. M.Somasundaram



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29. M.Varadan
30. R.Rajendran
31. P.Makatchi
32. M.Gurumurthy
33. S.Sivasankara Vadivelu
34. K.Indirani
35. S.Muthukrishnan
36. D.Ramalingan
37. K.Packirisamy
38. P.Kaliyaperumal
39. V.Swaminathan
40. R.Sakunthala
41. A.Ameerjon
42. P.Rajagopal
43. K.Mohan Rao
44. V.Saravanan
45. C.Pakkirissamy
46. A.Vijayalakshmi
47. S.Dhanapal
48. R.Ramaiyan
49. S.Jeyabalan
50. A.Arokiasamy
51. P.Vasudevan
52. K.Kalyani

... Petitioners

सत्यमेव जयते
Vs.

1. State of Tamil Nadu rep. by
Secretary to Government,
Education department,
Fort St. George, Chennai - 600 009.
2. The Director of Elementary Education,
D.P.I. Complex, Chennai - 600 006.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to dispose of the representation dated 22.11.2013 sent by the petitioners within a date fixed by this Court and

thereby direct the respondents to pay the difference of arrears of grade pay payable to the petitioners in the cadre of Special Grade Elementary School Headmaster with interest.

For petitioners: Mr.A.R.Nixon

For Respondents: Mr.C.Munusamy
Special Government Pleader

ORDER

This writ petition has been filed to direct the first respondent to dispose of the representation dated 22.11.2013 submitted by the petitioners, with respect to payment of difference in arrears of grade pay in the cadre of Special Grade Elementary School Headmaster, with interest.

2. According to the petitioners, by G.O.Ms.No.216, School Education (G2) Department, dated 30.12.2011, the respondents revised the pensionary benefits by counting the secondary grade teachers service and granted special grade in the cadre of Elementary School Headmaster and paid the arrears. However, the said benefit was not extended to the petitioners. Hence, they submitted a representation dated 22.11.2013 to the first respondent claiming difference in arrears of grade pay in the cadre of Special Grade Elementary School Headmaster, along with interest. Finding no response on the said representation, the petitioners have come up with this writ petition for the aforesaid relief.

3. Upon notice, the respondents filed a detailed counter affidavit, inter alia stating that as per G.O.Ms.No.216, School Education (G2) Department, dated 30.12.2011, only the services rendered prior to 01.06.1988 in the post of Secondary Grade Teacher and Primary School Headmaster alone, shall be counted for the purpose of awarding selection grade / special grade in the cadre of Primary School Headmaster after 01.06.1988 and hence, the prayer of the petitioners to extend the said benefit to them, cannot be considered. It is further stated therein that if the retired Primary School Headmasters and serving Headmasters are to be extended the benefits of selection grade and special grade without any time limit and irrespective of the cut off date, the Government would have to incur an expenditure of Rs.278 crores by way of payment of pensionary benefits to approximately 11,239 retired Primary School Headmasters which include persons who have obtained the orders of this Court in their favour, not obtained court orders though the cases are pending and who are likely to file cases before the Court for similar relief. With these averments, the

respondents prayed for dismissal of this writ petition.

4.Heard both sides and perused the materials placed before this Court.

5.Considering the limited relief sought herein, this Court, without going into the merits of the case, directs the first respondent to consider the representation dated 22.11.2013 submitted by the petitioners, if not already considered, and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6.Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Secretary to Government,
Education department,
Fort St. George, Chennai - 600 009.
2. The Director of Elementary Education,
D.P.I. Complex, Chennai - 600 006.

+1cc to Mr.A.R.Nixon, Advocate, S.R.No. 1057

सत्यमेव जयते

W.P.No.8174 of 2014

SS (CO)
GN (07/07/2021)

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