

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.16447 of 2020
(Heard through VC)

V.Dhanasekaran

.. Petitioner

-vs-

1.The Director of School Education,
DPI Compound, College Road,
Chennai - 6.

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

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents to dispose the representation submitted by the petitioner dated 05.10.2020 for awarding pension based on Selection Grade Scale on par with the Elementary School Head Masters and other superannuation benefits within a time frame fixed by this Court.

For Petitioner : Ms.L.Parvinbanu

For Respondents : Mr.P.Raja
Government Advocate

O R D E R

सत्यमेव जयते

The relief sought for by the petitioner in this writ petition is for a direction to the respondents to dispose the representation dated 05.10.2020 submitted by him for awarding pension, based on Selection Grade Scale on par with the Elementary School Head Masters and other superannuation benefits within a time frame fixed by this Court.

2. The case of the petitioner is that on 03.10.1980, the petitioner was directly appointed as Secondary Grade Teacher in the High School. During the year 1988, V Pay Commission has introduced a separate higher scale of pay for the post of Elementary School Headmaster. Secondary Grade Teachers' posts

become a feeder category for the post of Head Master. On 03.10.1990, the petitioner has completed his 10 years of service as Secondary Grade Teacher. On 31.05.2006, he got voluntary retirement from service as Secondary Grade Teacher. As he was working as Secondary Grade Teacher in the High School as on 01.06.1988, he was not awarded Selection Grade scale of pay on par with the post of Elementary School Headmaster, with arrears of pay by computing the entire length of their service of Secondary Grade Teacher. The Government had issued G.O.Ms.No.216 Finance (Pay Cell) Department, dated 22.03.1993 with regard to uniform scale of pay for all the Secondary Grade Teachers with respect to the Ordinary Grade, Selection Grade and Special Grade.

2.1. The further case of the petitioner is that some of the Secondary Grade Teachers working in High Schools filed O.A.Nos.7908 & 8276 of 1997 before TAT for fixing the scale of pay in Rs.2000-3200 and the Tribunal allowed the original applications. The Government filed W.P.No.8747 of 2009 against the said order and the Division Bench dismissed the writ petition filed by the Government with a direction to comply with the order of the Tribunal. Even thereafter, the representations of those similarly placed persons were rejected, though there is a direction from this Court to consider the said representations. The petitioner has also made a representation to the respondents on 08.08.2018 and 05.10.2020 in this regard. But the same were not considered by the respondents. Hence, the petitioner is constrained to file this writ petition.

3. Heard the learned counsel appearing on both sides and perused the materials placed before this Court.

4. Considering the facts and circumstances of the case, as the petitioner's representations are already pending with the respondents, this Court directs the respondents herein to consider the representations of the petitioner dated 08.08.2018 and 05.10.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and others, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar

To

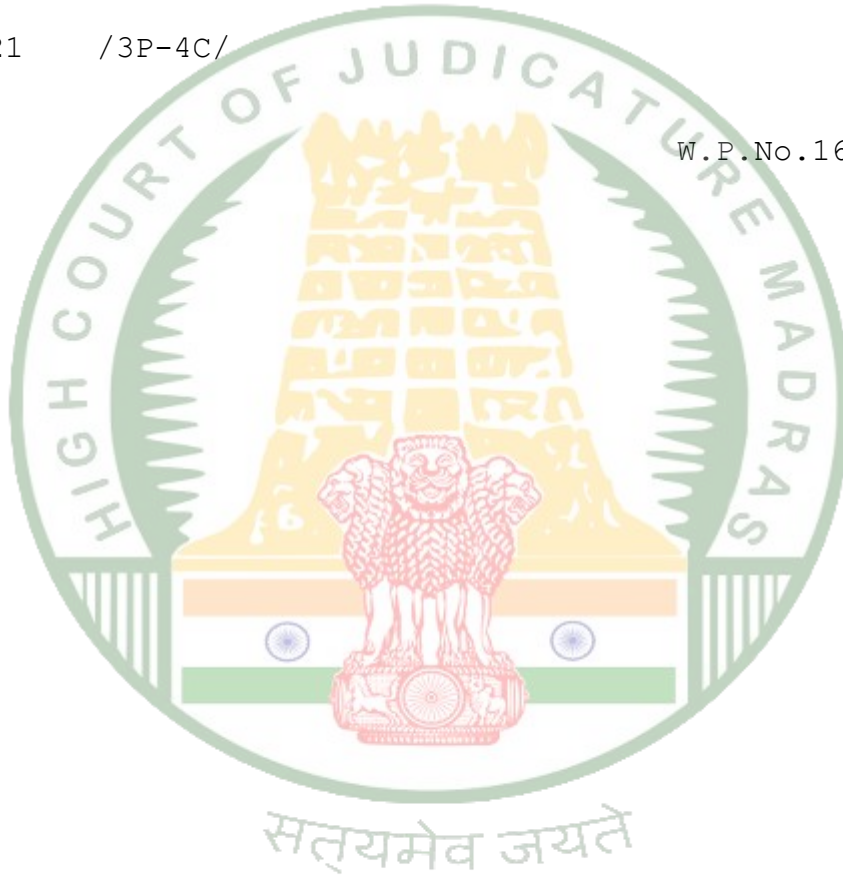
1.The Director of School Education,
DPI Compound, College Road,
Chennai - 6.

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

+lcc to Mr.L.Parvin Banu, Advocate Sr.No.1492

AKM/18.2.21 /3P-4C/

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