



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.17346 of 2017

S.Kuppammal

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
Chennai - 600 006.
3. The Director of Elementary Education,
Chennai - 600 006.
4. The District Elementary Educational Officer,
Nagercoil - 629 001,
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to refix the salary of the said S.Gomathi Sankar, petitioner's husband in the scale of pay applicable to Head Master of primary schools from the date of his appointment 04.06.1997 and consequently refix his pension benefits and to pay the arrears of salary and arrears of pension.

For Petitioner : Mr,P.K.Sabapathi

For Respondents : Mr.A.Rajaperumal, AGP

ORDER

This writ petition has been filed to direct the respondents to refix the salary of the petitioner's husband S.Gomathi Sankar, in the scale of pay applicable to Headmaster of Primary Schools from the date of his appointment i.e., on 04.06.1997 and consequently refix his pensionary benefits and pay the arrears of salary and pension to the petitioner.



2. According to the petitioner, her husband by name, S. Gomathi Sankar, joined as Elementary Grade Teacher in Government High School, Erathakulam, Kanniyakumari District in the year 1966 and was later, promoted as Secondary Grade Teacher in the year 1970. Subsequently, he was granted selection grade in the year 1980 and special grade in the year 1990 in the said post. Thereafter, he was promoted to the post of Headmaster in Government Primary School, Chiramadam, Thovala Taluk, Kanniyakumari District on 04.06.1997. While he was working as such, he died on 11.05.2003. It is the grievance of the petitioner that her husband's pay was not refixed on par with Primary School Headmaster, as per the recommendations of V Pay Commission. In this regard, she made representation dated 24.06.2016 to the first respondent, which was not considered till date. Hence, this writ petition.

3. The learned counsel for the petitioner submitted that similarly placed persons numbering 142, already filed a writ petition bearing No.8368 of 2008 for refixation of their scale of pay and this Court by order dated 10.11.2009, disposed of the said writ petition, directing the respondents to reconsider the case of the petitioners on merits and pass appropriate orders, pursuant to which, the Government passed G.O.Ms.No.41 dated 27.03.2012 refixing the salary of the petitioners therein on par with primary school Headmasters as per the recommendations of the V Pay Commission and giving monetary benefits to them, besides refixing the pensionary benefits. Similarly, as per the order dated 28.11.2013 passed in WP.No.30077 of 2012 filed by one S. Alphonse and others, the Government passed G.O.No.11 dated 30.01.2015 refixing the salary and pensionary benefits to the similarly placed persons. Therefore, the learned counsel prayed to extend the said benefit to this petitioner as well.

4. On the other hand, the learned Additional Government Pleader appearing for the respondents fairly submitted that the respondents would consider the petitioner's representation, if it is pending, and pass orders, on merits, within a reasonable time to be fixed by this Court.

5. 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 representation dated 24.06.2016 submitted by the petitioner, if not already considered and pass appropriate orders, on merits and in accordance with law and also in the light of the orders of this Court in W.P.No.8368 of 2008, dated 10.11.2009 followed by the Government in G.O.No.41 of 27.03.2012 and in W.P.No.30077 of 2012 dated 28.11.2013 followed by the Government in G.O.No.11 dated 30.01.2015. Such an exercise shall be completed within a

