



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

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Writ Petition (MD)No.3740 of 2017

- 1.D.Muthulakshmi
- 2.M.Puspan
- 3.Gnanammal
- 4.S.Mayakkal
- 5.V.Chandra
- 6.K.Muthu
- 7.M.Packiyalakshmi
- 8.V.Indra
- 9.M.Pinniyammal
- 10.A.Sakunthala
- 11.N.Ammapillai
- 12.S.Pinnayee
- 13.P.Angammal
- 14.K.Mayildayee
- 15.P.Ponnuthayee
- 16.C.Kalarani

... Petitioners

Vs.

1.The Principal Secretary to Government,
Backward Classes and Most Backward Classes and
Minorities Welfare Department,
Fort St. George,
Chennai 600 009.

2.The Commissioner of Most Backward Classes and
De-notified Communities Welfare,
Chepauk,
Chennai 600 005.

3.The Joint Director,
Kallar Reclamation,
Collectorate Complex,
Madurai 625 020.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to extend the benefits in favour of the petitioners, by fixing the pay of the petitioners in Selection Grade / Special Grade in the pay of the Elementary School Headmaster, by taking their entire services as Secondary Grade Assistant Teacher and Elementary School Headmaster in the post of Headmaster as ordered in G.O.(Ms). No.110, Department of Backward Most Backward and Minority people



Welfare Department dated 16.12.2013 and fix the salary and pay arrears with consequential benefits.

For Petitioners : Mr.C.M.Ganesan
For Respondents : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

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O R D E R

This writ petition has been filed for a direction to the respondents to extend the benefits in favour of the petitioners, by fixing the pay of the petitioners in Selection Grade / Special Grade in the pay of the Elementary School Headmaster, by taking their entire services as Secondary Grade Assistant Teacher and Elementary School Headmaster in the post of Headmaster as ordered in G.O.(Ms). No.110, Department of Backward Most Backward and Minority People Welfare Department dated 16.12.2013 and fix the salary and pay arrears with consequential benefits.

2. The case of the petitioners is that the petitioners are the retired Headmasters and the legal heirs of the deceased Headmasters of Elementary School functioning under Kallar Reclamation Department. The petitioners 1 to 9 have initially joined as Secondary Grade Teachers and subsequently promoted as Headmasters of Elementary Schools and ultimately superannuated on different dates and the petitioners 10 to 16 are the legal heirs of the retired Headmasters, who have since died. The Vth Pay Commission introduced separate scale of pay for the post of Headmaster of Elementary Schools with effect from 01.06.1988. Earlier, the post of Headmaster of Elementary School was only an allowance post as much as the substantial post was the Secondary Grade Teacher. Since there is no difference of basic scales in between the Headmaster and the Secondary Grade Teacher prior to 01.06.1988, those who were holding the post of Headmasters as on 01.06.1988 were given Selection Grade and Special Grade in the post of Headmaster of Elementary School, after counting their entire service as Secondary Grade Teachers and Headmasters of Elementary Schools. According to the petitioners, they are entitled to arrears of pay, revised pension, arrears of pension along with other consequential benefits by virtue of elevation of Selection Grade and Special Grade in the post of Headmaster of Elementary School. To that extent, number of Government Orders were issued. Already the Government issued G.O. (Ms.).No.110 and granted Selection Grade and Special Grade in the post of Headmaster of Elementary School, by taking their service as Headmaster and Secondary Grade Teacher before 01.06.1988 or after 01.06.1988 and gave the benefits to them. In order to avail such a benefit, the petitioners have made a representation to the respondents on 25.10.2016. However, till date no order was passed. Hence, the petitioners have filed the present writ petition with the aforesaid prayer.

<https://hcservices.ecourts.gov.in/hcsefices/>



3. The learned counsel appearing for the petitioners would submit that this Court may issue a direction to the respondents to consider the petitioner's representation, dated 25.10.2016, within a specified period as fixed by this Court.

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4. Heard the learned counsel for the petitioners, learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

5. The petitioners are the retired Headmasters and the legal heirs of the deceased Headmasters and they are entitled to Selection Grade and Special Grade in the post of Headmaster of Elementary School, by taking their entire service as Headmaster and Secondary Grade Teacher before 01.06.1988 or after 01.06.1988. However, they were not awarded Selection Grade and Special Grade. This Court is of the view that though the petitioners claimed that they are not awarded Selection Grade and Special Grade, no particulars have been furnished before this Court and without citing any particulars with regard to their service, after lapse of so many years, giving a direction as sought for would not be justified. Hence, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Principal Secretary to Government,
Backward Classes and Most Backward Classes and
Minorities Welfare Department,
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Chennai 600 009.



2.The Commissioner of Most Backward Classes and
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Chepauk,
Chennai 600 005.

3.The Joint Director,
Kallar Reclamation,
Collectorate Complex,
Madurai 625 020.

+1 CC to M/s.SPL GP (SR-12108[F] dated 18/03/2021)

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KB(02.07.2021) 4P 5C