



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.21860 of 2016

C.Ulagammal

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.

2. The Director of School Education,
D.P.I Campus, College Road,
Nungambakkam, Chennai - 600 006.

3. The Chief Educational Officer,
Tirunelveli.

4. The District Educational Officer,
Tirunelveli.

5. The Headmaster,
Government Higher Secondary School,
Thirumalapuram, Sankarankovil Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to extend the benefits of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993 and award Selection/Special Grade Scale of Pay of Primary School Headmaster with effect from 01.06.1989 and consequently revise the pensionary benefit and pay arrears of pension to the petitioner within a time frame fixed by this Court, in the light of the order passed by this Court in W.P.No. 17187 of 2003, dated 28.11.2007 and W.P.No.8747 of 2009, dated 14.07.2009 and the Hon'ble Apex Court in S.L.P(C.C)No.2746 of 2010, dated 23.04.2010 and G.O.Ms.No.258, School Education Department, dated 06.09.2010.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.C.M.Marichelliah Prabhu

Additional Government Pleader



O R D E R

This writ petition is filed for a direction to the respondents to extend the benefits of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993 and award Selection/Special Grade Scale of Pay of Primary School Headmaster, with effect from 01.06.1989 and consequently, revise the pensionary benefit and pay arrears of pension to the petitioner within a time frame fixed by this Court, in the light of the order passed by this Court in W.P.No. 17187 of 2003, dated 28.11.2007 and W.P.No.8747 of 2009, dated 14.07.2009 and the Hon'ble Apex Court in S.L.P(C.C)No.2746 of 2010, dated 23.04.2010 and G.O.Ms.No.258, School Education Department, dated 06.09.2010.

2.The case of the petitioner is that she joined as Secondary Grade Teacher on 01.06.1969 in the fifth respondent School and after completion of 10 years of service, she was awarded Selection Grade and further 10 years of service, she was also awarded Special Grade in the year 1989. Thereafter, the petitioner was retired from service as Secondary Grade Teacher, in the year 2005. Through out her entire service, the petitioner was working without any promotion. Further, the petitioner has averred that the introduction of 5th pay commission in the year 1998, the scale of pay of Secondary Grade Teachers working in High School/Higher Secondary School, were equal to that of the Primary School Headmaster in the scale of pay of Rs.610-1075/-, Rs.705-1230/- and Rs.780-1385/- in ordinary Grade, Selection Grade and Special grade. After implementation of 5th pay commission, the scale of pay of Primary School Headmasters was fixed higher than the scale of pay of Secondary Grade Teachers working in the High Schools/Higher Secondary Schools, which was challenged by several teachers and ultimately, the Government issued G.O.Ms.No.216, dated 22.03.1993 granting Selection Grade/Special Grade pay scale of the Primary School Headmasters to the Secondary Grade Teachers. Thereafter, number of Teachers had filed Writ Petitions before this Court and the said writ petitions were allowed. In order to avail such benefits, the petitioner has made a representation, dated 28.10.2016 to the respondents. So far no order has been passed. Hence, the present writ petition is filed.

3.The learned counsel appearing for the petitioner submitted that it would suffice, if the respondents are directed to consider the petitioner's representation dated 28.10.2016, on merits and in accordance with law, within a specified period.

4. The learned Additional Government Pleader appearing for the respondents, has no serious objection for such an order being passed by this Court.



5.Considering the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the matter, directs the concerned respondent to consider the petitioner's representation, dated 28.10.2016, in the light of the decision in **GOVERNMENT OF TAMIL NADU, REP BY THE SECRETARY, SCHOOL EDUCATION DEPARTMENT V. G.ESWARAN, [2017(1)CWC 561]** and pass appropriate orders on merits and in accordance with law, if the petitioner is otherwise eligible, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of.
No Costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The Principal Secretary to Government of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
D.P.I Campus, College Road,
Nungambakkam, Chennai - 600 006.
3. The Chief Educational Officer, Tirunelveli.
4. The District Educational Officer,
Tirunelveli.
5. The Headmaster,
Government Higher Secondary School,
Thirumalapuram, Sankarankovil Taluk,
Tirunelveli District.

+1 CC to Mr.R.SUBRAMANIAN, Advocate (SR-7817[F] dated 01/03/2021)
+1CC to The Special Government Pleader(SR-7884[F]dated 01/03/2021)

W.P. (MD)No.21860 of 2016
26.02.2021

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