



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.10690 of 2017

WEB COPY

R.Paramasivan

... Petitioner

Vs.

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

2.The Director of Elementary Education,
College Road, Chennai - 600 006.

3.The District Elementary Educational Officer,
Tuticorin District.

4.The Assistant Elementary Educational Officer,
Srivaikundam Taluk,
Tuticorin District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondents 1 to 4 to consider the petitioner's service rendered as Teacher before 01.06.1988 and provide his Selection/Special Grade benefits and re-fix the pay scale as per the G.O.No: 179/2013 dated 06.09.2013 and to disburse the benefits arising out of the revised pay scale within the time limit fixed by this Court.

For Petitioner : Mr.J.Ashok

For Respondents : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

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ORDER

This writ petition is filed seeking for issuance of a writ of Mandamus, to direct the respondents 1 to 4 to consider the petitioner's service rendered as Teacher before 01.06.1988 and provide his Selection/Special Grade benefits and re-fix the pay scale as per the G.O.No: 179/2013 dated 06.09.2013 and to disburse the benefits arising out of the revised pay scale within the time limit fixed by this Court.



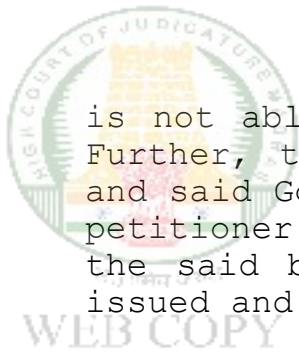
2. The case of the petitioner is that he was appointed as a Secondary Grade Teacher in the Panchayat Union Elementary School in the year 1972 and obtained Selection Grade in the year 1982 and also obtained Special Grade in the year 1992 and thereafter, he was promoted as Head Master and thereafter he retired in the year 2007. The grievance of the petitioner is that for the services rendered prior to 11.06.1988, he was not awarded Selection Grade and Special Grade and hence, the petitioner made representations on 20.10.2014, 17.04.2017 and 24.05.2017, however, the same was not considered so far and hence, the present writ petition has been filed.

3. Learned Counsel appearing for the petitioner would submit that as per G.O.Ms.No.216, dated 30.12.2011, the persons who were rendered as Secondary Grade Teachers and Head Masters in the Elementary School prior to 01.06.1988, they are entitled to award Selection Grade and Special Grade and in order to avail the said benefits, the petitioner has made representations and since the same have not been considered so far, the present writ petition is filed.

4. Learned Additional Government Pleader appearing for the respondents would submit that following G.O.Ms.No.234, School Education, dated 10.09.2009 and G.O.Ms.No.270, School Education, dated 20.02.2010, in which orders were passed in favour of persons who obtained specific orders to their favour, Government passed G.O.Ms.No.216, School Education, dated 30.12.2011, extending the benefit of G.O.Ms.No.234, dated 10.09.2009 and G.O.Ms.No.270, dated 20.09.2010 to other persons, who were promoted as primary school Headmasters after 01.06.1988. However, G.O.Ms.No.216, School Education, dated 30.12.2011 was cancelled later by the Government as per G.O.Ms.No.179, School Education, dated 06.09.2013 and the benefit of G.O.Ms.No.179, School Education, dated 06.09.2013, has been restricted only to 1528 primary school Headmasters, who obtained orders from this Court and they were allowed to count the services rendered by them in the secondary grade teacher posts prior to 01.06.1988 for awarding selection grade/special grade in the primary school Headmaster post. In the present case, the petitioner was retired in the year 2007 and he did not approach this Court immediately after issuance of the Government Order. Hence, the learned Additional Government Pleader would pray for dismissal of the writ petition.

5. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials placed on record.

6. Considering the facts and circumstances of the case, admittedly, the petitioner entered into service in the year 1972 and was granted Selection Grade in the year 1982 and thereafter, awarded Special Grade in the year 1992. Though the petitioner claimed the



is not able to demonstrate as to how he is entitled for the same. Further, the petitioner was retired from service in the year 2007 and said Government Order was passed in the year 2013. However, the petitioner has not taken any steps to approach this Court seeking the said benefit, immediately after the said Government Order was issued and he approached this Court only in the year 2017.

7. For the reasons aforesaid the Writ Petition is dismissed on the ground of laches. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

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 Secretary,
School Education Department,
St. George Fort,
Chennai - 600 009.
- 2.The Director of Elementary Education,
College Road, Chennai - 600 006.
- 3.The District Elementary Educational Officer,
Tuticorin District.
- 4.The Assistant Elementary Educational Officer,
Srivaikundam Taluk,
Tuticorin District.

+1 CC to M/s.SPL GP (SR-11143[F] dated 15/03/2021)

W.P (MD) No.10690 of 2017

12.03.2021

VB (30.03.2021) 3P 6C