



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.1004 of 2021
and WMP(MD) No.877 of 2021

V.Periyaiah

... Petitioner
Vs.

- 1.The State of Tamil Nadu
Rep. by its Secretary to Government
School Education Department
Fort St. George, Chennai 600 009.
- 2.The State of Tamil Nadu
Rep. by its Secretary to Government
Finance (Pay Cell) Department
Fort St. George, Chennai 600 009.
- 3.The Director of School Education,
(Higher Secondary) College Road,
Nungambakkam, Chennai 600 006.
- 4.The District Chief Educational Officer,
Sivagangai District
Sivagangai.

... Respondents

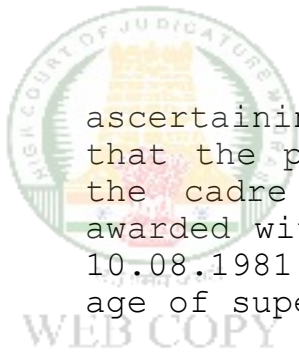
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings Na.Ka.2253/E3/2020 of the 4th respondent dated 04.11.2020 and quash the same as arbitrary and illegal and to consequentially direct the respondents to implement the order passed in W.P.(MD) Nos.4865 of 2012 dated 06.06.2012 within the stipulated time.

For Petitioner : Mr.B.Senthilnathan
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

The order of rejection rejecting the claim of the writ petitioner for extension of the benefits of G.O.Ms.No.216 dated 22.03.1993 is under challenge in the present writ petition.

2.The petitioner filed the present writ petition at the age of 85 years and more specifically, after a lapse of about 27 years from the date of retirement. Such stale claims are made without even



ascertaining their rights for such benefits. However, it is stated that the petitioner was appointed as Physical Education Teacher in the cadre of Secondary Grade Teacher on 10.08.1961 and he was awarded with the selection grade on 01.04.1974 and special grade on 10.08.1981. The petitioner retired from service on attaining the age of superannuation on 30.09.1997.

3.The grievance of the writ petitioner is that he also filed a writ petition in W.P.(MD) No.4865/2012 and this Court passed an order on 06.06.2012 to extend the benefit of G.O.Ms.No.216 dated 22.03.1993 to the eligible petitioners.

4. The writ petitioner has not taken any action for about eight years, even after passing the order in the writ petition. However, the writ petition order is subject to the eligibility of the writ petitioner in accordance with the terms and conditions stipulated in the Government Order issued in G.O.Ms.No.216.

5. The respondents mainly contended that the petitioner is not eligible, as he is not falling within the cut off date and much prior to the cut off date, the petitioner was awarded with selection grade and special grade in the cadre of Physical Education Teacher. Therefore, the petitioner is not eligible to get the benefit of G.O.Ms.No.216.

6. The counter filed by the respondents states that the service records of the petitioner were verified and the petitioner was awarded with the selection grade and special grade much before than the period contemplated for the purpose of grant of benefits in G.O.Ms.No.216. Therefore, the petitioner is not eligible for the benefits, as he has not been awarded selection and special grade during the period from 01.06.1988 to 31.12.1995.

7. The petitioner was granted with selection grade on 01.04.1974 and special grade on 10.08.1981 and therefore, he is not falling within the period contemplated in the Government Order as stated above and thus, there is no infirmity as such in respect of the order impugned passed by the respondents.

8. Accordingly, the writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

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



To

1.The Secretary to Government
School Education Department
Fort St. George, Chennai 600 009.

2.The Secretary to Government
Finance (Pay Cell) Department
Fort St. George, Chennai 600 009.

3.The Director of School Education,
(Higher Secondary)
College Road,
Nungambakkam,
Chennai 600 006.

4.The District Chief Educational Officer,
Sivagangai District
Sivagangai.

+1 CC to M/s.SPL.GP. (SR-18150[F] dated 12/04/2022)

+1 CC to M/s.B. SENTHIL NATHAN, Advocate (SR-18502[F] dated
13/04/2022)

W.P. (MD)No.1004 of 2021
11.04.2022

sb (CO)
TR(25.04.2022) 3P 7C