



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.04.2022

CORAM:

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

W.P. (MD)No.10994 of 2019

WEB COPY

Sickendaramma Shahnaz

... Petitioner

Vs.

1.The District Education Officer,
Office of the District Education Officer,
Mandapam
Ramanathapuram District.

2.The Block Development Officer,
Block Education Office,
Thiruppullani
Ramanathapuram District.

... Respondents

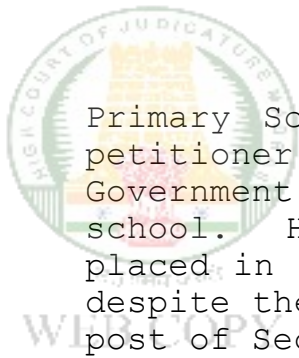
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to protect the last pay of the petitioner at Rs.5,000/- as on 16.07.2009 drawn in aided school, in the post of Secondary Grade Teacher and to fix the same to the petitioner from 16.07.2009 when she joined as Secondary Grade Teacher in Government school and consequently revise the selection grade pay scale of the petitioner granted from 01.06.2011 and to grant all consequential monetary benefits payable to the petitioner.

For Petitioner	: Mr.M.Gnanagurunathan
For Respondents	: Mr.G.V.Vairam Santhosh Additional Government Pleader

ORDER

The relief sought in the present writ petition is to direct the respondents to protect the last pay of the petitioner at Rs.5,000/- as on 16.07.2009 drawn in aided school in the post of Secondary Grade Teacher and to fix the same to the petitioner from 16.07.2009 when she joined as Secondary Grade Teacher in Government school and consequently revise the selection grade pay scale of the petitioner granted from 01.06.2011 and to grant all consequential monetary benefits payable to the petitioner.

2. The petitioner was appointed initially in the aided school as Secondary Grade Teacher on 01.06.2001. He was working as Secondary Grade Teacher till 16.07.2009. He was migrated from aided school to Government school and appointed in the Panchayat Union



Primary School on 16.07.2009 without any break in service. The petitioner obtained proper permission for appointment in the Government school and accordingly he was relieved from the aided school. However, on appointment in the Government school, he was placed in the minimum scale of pay and pay protection was not given despite the fact that the petitioner was continued in service in the post of Secondary Grade Teacher without any break.

3. The learned counsel for the petitioner made a submission that as per the Government orders issued in G.O.Ms.No.1580 Education Department dated 18.10.1969, the last pay drawn must be protected if the new appointment is taken with proper permission and without submitting any resignation. In the present case, the writ petitioner has not submitted any resignation. He was permitted to join in the Government school and obtained an order of relieving properly. While so, there is no reason whatsoever to deny protection of pay to the petitioner. When the petitioner has continuously served after relieving from the aided school in the Government school his last pay drawn by him as an approved teacher in the aided school must be protected in all respects and accordingly the pay must be fixed by following the pay rules in force.

4. The learned Additional Government Pleader based on the written instructions given by the Block Development Officer, Thiruppullani Union, Ramanathapuram District made a submission that the petitioner was continuously in service without any break in service and he had not resigned the post in the aided school and thus, the period was treated as continuous service for all purpose including for calculation of qualifying service. This being the factum, the petitioner is entitled for the relief. Accordingly, the respondents are directed to protect the last pay drawn by the petitioner in the aided school and accordingly fix the revised pay in the new post at Government school and continue to pay the same in accordance with the pay rules in force.

5. The writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS I)

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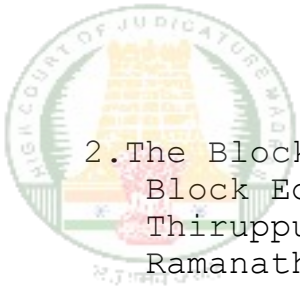
/ /2022

Sub Assistant Registrar(CS)

RR

To

1.The District Education Officer,
Office of the District Education Officer,
Mandapam
Ramanathapuram District.



2.The Block Development Officer,
Block Education Office,
Thiruppullani
Ramanathapuram District.

+1 CC to M/s.M.GNANAGURUNATHAN, Advocate (SR-22249[F] dated
28/04/2022)

+1 CC to M/s.SPL. GP (SR-23059[F] dated 29/04/2022)

W.P. (MD) No.10994 of 2019
27.04.2022

MGJ(25.05.2022) 3P 5C