



W.P.(MD)No.11033 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.11033 of 2014

and

M.P.(MD)No.1 of 2014

M.Arbutham

... Petitioner

vs.

- 1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St.George,
Chennai – 600 009.
- 2.The Secretary to Government,
Government of Tamil Nadu,
Finance (Pay Cell) Department,
Fort St.George,
Chennai – 600 009.
- 3.The Director of School Education,
Chennai.
- 4.The Chief Educational Officer,
Theni District.



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5.The Headmaster,
Government Higher Secondary School,
Devathanapatti Post,
Periyakulam Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 3rd respondent in [Na.Ka.No.1670/C5/E4/2011](#), dated 02.06.2011, served on 22.04.2014 and to quash the same and consequently, to direct the respondents herein to pay the revised pay scale, arrears of salary and revised pension to the petitioner with effect from 01.06.1988 as per G.O.Ms.No. 216, Finance (PC) Department, dated 22.03.1993 and G.O.Ms.No.69, School Education (M1) Department, dated 18.04.2013, together with interest at 12% p.a., thereon.

For Petitioner	: Mr.K.Appadurai
For Respondents	: Mr.S.Kameswaran
	Government Advocate (Civil side)

ORDER

This writ petition is filed for issuance of a writ of Certiorarified Mandamus, to quash the impugned order of the 3rd respondent in Na.Ka.No.1670/C5/E4/2011, dated 02.06.2011, served on 22.04.2014 and to quash the same and consequently, to direct the respondents herein to pay the revised pay scale, arrears of salary and



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revised pension to the petitioner with effect from 01.06.1988 as per G.O.Ms.No. 216, Finance (PC) Department, dated 22.03.1993 and [G.O.Ms.No.69](#), School Education (M1) Department, dated 18.04.2013, together with interest at 12% p.a., thereon.

2. The petitioner submitted that he has put in thirty seven years of service as Secondary Grade Teacher in the Government Higher Secondary School and retired as Secondary Grade Teacher from the 5th respondent school on 30.10.1997. The petitioner is drawing a sum of Rs.11,304/- per month as family pension.

3. The contention of the petitioner is that the 2nd respondent herein issued G.O.Ms.No.304, Finance (PC) Department, dated 28.03.1990, whereby Selection / Special Grades were re-introduced with improved scale of pay with retrospective effect from 01.06.1988. The Government also issued G.O.Ms.No. 216, dated 22.3.1993 and the petitioner is entitled for the revised scale of pay one selection grade and special grade for the period when the petitioner was working as Secondary Grade Teacher. In spite of several representations, the respondents



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have not taken steps. The said issue was challenged in several writ petitions and they were allowed and therefore, the petitioner claims that he is entitled to the said benefits. However, the same was declined in the impugned order and therefore, the petitioner prays to set aside the impugned order based on the orders passed by this Court in similarly placed person praying to pay the said amount.

4. The respondents have not filed a counter affidavit. The impugned order states that the said G.O. is applicable only in School Education service. Since the School Education service and Elementary Education service are different services having separate Service Rules, the petitioner cannot compare with that of the other services. The petitioner had worked as Secondary Grade Teacher in the Elementary Education Service and the said G.O. is not applicable to the petitioner and therefore, prayed to dismiss the writ petition.



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5. Heard Mr.K.Appadurai, learned Counsel appearing for the petitioner and Mr.S.Kameswaran, learned Government Advocate appearing for the respondents and perused the records.

6. The G.O. Ms. No. 666 Finance (Pay Commission) dated 27.06.1989 was issued cancelling the selection / special grade. Thereafter the scheme of granting selection / special grade was reintroduced vide G.O. Ms. No. 304 Finance (Pay Commission) Department dated 28.03.1990. A person who was stagnating in a same post without promotion are eligible for selection grade and special grade. In the present case, the petitioner has not stated the service particulars and the writ petition is bereft of date of appointment in the Secondary Grade Teacher post. The only fact that has been stated is that the petitioner was serving in the Secondary Grade Teacher post for the past 37 years and retired on 30.10.1997 which means the petitioner would have joined the service in the year 1960. If the petitioner had joined the service in 1960, then he would be entitled selection grade in the post of Secondary Grade post in the year 1970. Then special grade in the post of Secondary Grade post in the year 1980. Then stagnation grade for



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completing 30 years of service in the year 1990.

7. As stated earlier there is no service particulars in the case of the petitioner and hence this Court deems it fit to direct the respondents to consider and pass orders. Therefore, this Court is directing the respondents to consider and pass orders by taking all the service particulars of the petitioner and also relevant government orders. If the petitioner is eligible for selection grade or Special Grade in the post of Secondary Grade Teacher the same shall be granted. However, it is made clear that the petitioner is not entitled to any backwages, but the benefits shall be given effect in the pension. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. With the above said observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Internet : Yes

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S.SRIMATHY, J

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