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W.P.No.14742 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM :

THE HON'BLE MR. JUSTICE J. SATHYA NARAYANA PRASAD

W.P.No.14742 of 2020

Retired Officials Association (Reg.No.126/99),
Represented by its State General Secretary,
Plot No.1740, B2, Second Floor,
Shalom Building, 18th Main Road,
Anna Nagar, Chennai – 600 040.

... Petitioner

Versus

State of Tamil Nadu,
The Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai – 600 009.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondent to implement the G.O.Ms.No.210, School Education Department, dated 14.08.2009 as held in W.A.No.34 of 2017, dated 03.01.2019 as per the representation of the petitioner dated 02.03.2020 to the members of the petitioner's Association.

For Petitioner : Mr. V. Chandrakanthan

For Respondent : Mr. V. Meenakshi Sundaram (for R1)
Mr. P. Siva (for R2 & R3)



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the petitioner's association, the said G.O issued to consider the length of service rendered by the teachers in the elementary schools and middle schools on or before 1.6.1988 and fixing the pay as per the recommendation of V Pay Commission with effect from 01.06.1988 in the post of Middle School Head Master at the Special Grade Scale of Pay of Rs.2200-75-2800-100-4000. Therefore, the Petitioner's Association by their representation dated 26.06.2012 to the respondent stated that as per G.O.Ms.No.202, Education Department (G-2) dated 24.09.2008 and G.O.Ms.No.207, Education Department (G-2) dated 30.09.2008 the benefits obtained by the petitioners who approached the Court were made equally applicable to others who had not approached the Court and requested the Government to issue a direction to pay the benefits to the retired Teachers and pay the pension and other benefits to all the Teachers either approached the Court or not. As per the said G.O, the Government issued directions to the Director of Elementary Education to pay the benefits of G.O.Ms.No.210, School Education Department dated 14.08.2009 and G.O.Ms.No.190, School Education Department dated 12.07.2010, taking into consideration the services rendered as Secondary Grade Teacher, Primary School Head Masters and Middle School Head



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Masters up to 31.05.1988 and grant Selection Grade/Special Grade as on 01.06.1988 in the post of Middle School Graduate Head Master.

However, the respondent extended the benefits only to those who had filed cases and got orders from the Court. Aggrieved by the action of the respondent and failed to implement the G.O.Ms No.210, School of Education Department dated 14.08.2009, the members of the petitioner's Association have come up with the present Writ Petition.

3.The learned counsel for the petitioner would submit that for the same relief number of writ petitions were filed before this Court and all the writ petitions were allowed. Against the order of the learned Single Judge, an appeal in W.A.No.34 of 2017 etc., batch, was filed by the respondent before the Division Bench of this Court. This Court after elaborate deliberations confirmed the orders of the Learned Single Judge and directed the respondent to fix the pay in Selection Grade/Special Grade within a period of 4 weeks. The order in W.A.No.34 of 2017 and batch dated 26.03.2019, holding that retired employees are entitled to the benefit under G.O.Ms.No.210 dated 14.08.2009. Therefore, he prays to allow the Writ Petition and to consider the petitioner's association's



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representations dated 26.02.2012 and 02.03.2020.

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4.In support of his contention, learned counsel for the petitioner would rely upon the order of this Court, in the case of ***P.Pemmulu and Anr. Vs. The State of Tamil Nadu and Ors.***, in W.P.(MD).Nos.2490 & 2491 of 2014, dated 04.10.2019 and also relied on the judgment of the Division Bench of this Court, in the case of ***The State of Tamil Nadu and Ors., Vs. K.Pappa Rajammal***, in W.A.(MD).No.1001 of 2014, dated 20.08.2020, wherein this Court upheld the judgment passed in W.A.Nos.34 of 2017, etc., batch, and prays to allow the prayer of the petitioner.

5.The learned Additional Government Pleader appearing for the respondent would submit that the claim of the petitioner's association to consider the prayer is unsustainable, since after the first representation of the Association, the aforesaid orders and judgments have been passed, therefore, if they make a fresh representation, the respondent may be considered.



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6.Heard both the learned counsel appearing on behalf of the parties and perused the material records of this case.

7.It is seen that the petitioner's association has given a representation dated 02.03.2020, to implement the G.O.Ms.No.210, School Education Department, dated 14.08.2009 as held in W.A.No.34 of 2017, dated 03.01.2019 to the members of the petitioner's Association. In view of the above fact this Court directs the respondent to consider the representation of the petitioner's association on merits and in accordance with the law, within a period of six weeks from the date of receipt of a copy of this order. This apart, the petitioner's association is also directed to submit their fresh representation along with the details of all the members containing their service particulars, within a period of four weeks from the date of receipt of a copy of this order.

8.Further, this Court directs the respondent to consider the earlier representation of the petitioner's association as well as the fresh representation which is going to be submitted by the members of the



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association.

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9.The Writ Petition is disposed of with the above direction and observation. No costs.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

klt

To:

The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai – 600 009.



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J.SATHYA NARAYANA PRASAD,J.

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