



WEB COPY



W.P.No.20836 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No. 20836 of 2017

V.Balasubramanian

... Petitioner

Versus

1.The Government of Tamil Nadu, represented
by the Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.

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

3.The District Elementary Educational Officer,
Kancheepuram,
Kancheepuram District.

4.The Assistant Elementary Educational Officer,
Kattankolathur,
Kancheepuram District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the 1st respondent in Government Letter No.5205/Nee.Va.2(2)/2017 dated 14.03.2017 and quash



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the same and further direct the 1st respondent to award the Selection Grade Middle School Head Master pay scale from 28.07.1993 to 22.12.1996 and Special Grade Middle School Head Master pay scale w.e.f. 23.12.1996 to 31.01.2007 by counting his earlier Secondary Grade Service and Tamil Pandit Service as awarded to the similarly placed persons through G.O.Ms.No.210 School Education Department dated 14.08.2009.

For Petitioner : Mr.K.Thennan

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

This writ petition has been filed seeking issuance of a writ of Certiorarified Mandamus, to quash the impugned order passed by the 1st respondent in Government Letter No.5205/Nee.Va.2(2)/2017 dated 14.03.2017 and consequently direct the 1st respondent to award the Selection Grade Middle School Head Master pay scale from 28.07.1993 to 22.12.1996 and Special Grade Middle School Head Master pay scale w.e.f. 23.12.1996 to 31.01.2007 by counting his earlier Secondary Grade Service and Tamil Pandit Service.



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2. The petitioner has knocked the doors of this Court earlier with regard to the same issue. The Government of Tamil Nadu extended the benefits of awarding Special Grade to Secondary Grade Middle School Head Master by counting their lower category service of Secondary Grade Assistant Service as well as Elementary School Head Master category services. Similarly placed persons like the petitioner approached the Tamil Nadu Administrative Tribunal, Chennai and they obtained favourable orders in O.A.No.2250 of 1991 on 25.04.1996. In furtherance of the said order of the Tribunal, the Government also passed several G.O.'s. In fact, the petitioner has stated that the Government has accepted the verdict in O.A.No.2250 of 1991 dated 25.04.1996 and the same has become final. The petitioner would also contended that several writ petitions have been filed subsequently and all were allowed, following the order in O.A.No.2250 of 1991 dated 25.04.1996. In fact, the petitioner filed writ petition in W.P.No.11664 of 2012 which came to be allowed directing the 1st respondent to consider the petitioner's representations in the light of earlier orders within a period of three months. The grievance of the petitioner is that the order of this Court was not implemented by the respondents, which forced him to initiate contempt petition in Cont.P.No.1346 of 2015. Pending



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the contempt petition, the 1st respondent proceeded to pass the impugned order, rejecting the petitioner's claim, which is under challenge in the present writ petition for several grounds raised in the affidavit filed in support of the writ petition.

3. The 4th respondent has filed a counter affidavit admitting the trajectory of the various proceedings commencing from the Tamil Nadu Administrative Tribunal and resulting in several G.O.s being passed. The fact that the petitioner has approached this Court and obtained orders and thereafter, filed contempt petition is also not denied. However, the 4th respondent has stated that they have taken a decision only in accordance with law and since the petitioner was not working as a Middle School Head Master on 01.06.1988, he was not entitled to benefits of G.O.Ms.No.210, School Education Department dated 14.08.2009 and extension of benefits cannot be given automatically as prayed for by the petitioner. On these limited contentions, the 4th respondent prayed for dismissal of the writ petition.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.



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5. The issue is no longer *res integra*. Similar writ petitions have been filed and came to be allowed by this Court and in fact in W.A.(MD).No.1420/2017 in W.P.No.10891 of 2016, appeal filed by the State, the Hon'ble Division Bench of this Court considering the effect of G.O.Ms. No.210 and the ratio laid down by the Hon'ble Full Bench of this Court in judgment reported in **2017 2 MLJ 257** held that there was no substance in the contentions of the State and confirmed the order of the learned Single Judge conferring the benefits on the petitioner therein in line with the mandate of G.O.Ms.No.210 dated 14.08.2009. It is also seen that this Court has consistently followed the orders of the Hon'ble Full Bench and the Hon'ble Division Bench of this Court. This case is no different. The petitioner is squarely falling within the four corners of the ratio laid down by this Court. However, in fact even in the earlier writ petition in W.P.No.11664 of 2012, this Court made it clear that there were several orders which were implemented by the Government and only in such view of the matter, G.O.Ms.No.210 dated 14.08.2009 also came to be passed. This Court only directed the 1st respondent to consider the petitioner's case in the light of the said G.O and pass orders.



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6. However, the 1st respondent, pending the contempt petition filed by the writ petitioner, has chosen to reject the petitioner's claim by introducing the cut off date. The petitioner had been promoted on 25.07.1993 and therefore, G.O.Ms.No.210 dated 14.08.2009 would not be applicable referring to a cut of date 01.06.1988. The reason for the 1st respondent was not justified especially in the light of the several orders passed in W.P.s as well as judgments by Hon'ble Division Bench of this Court where similarly placed petitioners like the writ petitioner have been conferred the benefits of G.O.No.210 dated 14.08.2009. Therefore, the stand of the 1st respondent that in view of the promotion given to the petitioner, he is not entitled to the benefits of G.O.No.210 dated 14.08.2009 is not sustainable.

7. For the above foregoing reasons, the writ petition is allowed and impugned order passed by the 1st respondent in Government Letter No.5205/Nee.Va.2(2)/2017 dated 14.03.2017 is set aside. No costs.

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Index : Yes / No
Speaking/non speaking order
Neutral Citation: Yes/No



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P.B.BALAJI, J.

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To

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