



WEB COPY



W.A.No.1818 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.A.No.1818 of 2017

and

C.M.P.No.22764 of 2017

1.The Director of Elementary School Education,
DPI Complex, College Road,
Chennai – 600 006.

2.The District Elementary Education Officer,
Thiruvarur.

3.The Assistant Elementary Education Officer,
Muthupettai Union, Thiruvarur.

...Appellants

Vs.

K.Nakeeran

...Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 18.03.2014 made in W.P.No.6835 of 2007.

For Appellants : Mr.V.Nanmaran,
Special Government Pleader

For Respondent : No appearance



W.A.No.1818 of 2017

J U D G M E N T

WEB COPY

(Judgment was made by **R.SUBRAMANIAN, J.**)

The State is aggrieved by the direction issued by the writ Court to include the services of the petitioner rendered in the capacity as Secondary Grade Teacher and Primary School Headmaster prior to 01.06.1988 for granting Selection Grade/ Special Grade.

2. The issue is covered by certain Government Orders. In G.O.Ms.No.281 Finance (PC) Department dated 02.04.1987 the Government granted upgraded scale of pay to the post of Primary School Headmaster by treating it as a promotional post. As per the said Government Order, the services of persons holding the post of Headmaster as on 01.06.1988 rendered in the capacity as Secondary Grade Teacher and Primary School Headmaster before 01.06.1988 shall be counted for granting Selection Grade/ Special Grade. This was done since all these three posts carried the same scale of pay prior to 01.06.1988.



W.A.No.1818 of 2017

3. The respondent herein was appointed as a Higher Grade Teacher on 15.10.1966. He was promoted as Secondary Grade Teacher on 29.03.1969 and promoted as Primary School Headmaster on 01.05.1982 and functioned as such till 01.07.1988, when he was reverted as Secondary Grade Teacher from Kottur Union to Muthupettai Union for want of vacancy.

4. The respondent approached the Tribunal in O.A.No.3638 of 2002 seeking the benefits. Upon abolition of the Tribunal the Original Application was transferred to this Court and numbered as W.P.No.6835 of 2007. The writ Court relying upon the Government Order in G.O.Ms.No.281 Finance (PC) Department dated 02.04.1987 and the subsequent Government Order in G.O.Ms.No.216 School Education (G-2) Department dated 30.12.2011 allowed the writ petition.

5. It is the contention of the learned Special Government Pleader that the G.O.Ms.No.216 School Education (G-2) Department dated 30.12.2011 was withdrawn subsequently. The purport of G.O.Ms.No.216



W.A.No.1818 of 2017

was to extend the benefits to persons who have not approached the Court as on that date. Withdrawal of G.O.Ms.No.216 will not affect the case of the respondent since he had already approached the Tribunal in 2002.

6. Therefore, we do not think we can fault the writ Court for having conferred the benefits on the petitioner as per the G.O.Ms.No.281 Finance (PC) Department dated 02.04.1987. The writ appeal therefore fails and it is accordingly **dismissed**. There will be a direction to workout the monetary benefits that the petitioner will be entitled to treating his service rendered in the post of Secondary Grade Teacher from 29.03.1969 till his promotion as Middle School Headmaster in the year 2003. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M., J.) (S.S.K., J.)
02.01.2023

dsa
Internet :Yes
Index :No
Speaking order



W.A.No.1818 of 2017

To
WEB COPY

- 1.The Director of Elementary School Education,
DPI Complex, College Road,
Chennai – 600 006.
- 2.The District Elementary Education Officer,
Thiruvvarur.
- 3.The Assistant Elementary Education Officer,
Muthupettai Union, Thiruvvarur.



WEB COPY



W.A.No.1818 of 2017

R.SUBRAMANIAN, J.
and
SATHI KUMAR SUKUMARA KURUP, J.

dsa

W.A.No.1818 of 2017

02.01.2023