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Writ Appeal No.1550 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.10.2023

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

**Writ Appeal No.1550 of 2019
and C.M.P.no.10657 of 2019**

1. The Government of Tamil Nadu,
rep. By its Secretary to Government,
School Education Department,
Fort St.George, Chennai – 600 009.
 2. The Director of Elementary Education,
College Road, Chennai – 600 006.
 3. The District Elementary Educational Officer,
Cuddalore District, Cuddalore.
 4. The Assistant Elementary Educational Officer,
Kammapuram Panchayat Union,
Kammapuram, Cuddalore District.
- ... Appellants

Vs

N.Thailammai,
W/o.Late K.Narayanasamy

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.No.12468 of 2015 dated 27.04.2015.



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For Appellants : Mr.K.V.Sajeev Kumar
Special Government Pleader
For Respondent : No appearance

JUDGMENT

(Judgment of the Court was delivered by R.SURESH KUMAR,J.)

This writ appeal had been directed against the order passed in W.P.No.12468 of 2015 dated 27.04.2015.

2. The respondent's husband one Narayanasamy was appointed as Secondary Grade Teacher on 01.01.1971. He was promoted as Elementary School Headmaster on 28.01.1991. He retired from service on 28.02.2005 on superannuation from Panchayat Union Middle School, Veppangurichi, Kammapuram Panchayat Union, Cuddalore District. After retirement, he died on 09.10.2009.

3. In this context, it is to be noted that prior to 01.06.1988, the scale for the post of Elementary School Headmaster, Secondary Grade Teachers were identical i.e., Rs.610-1075 and the Secondary Grade Teachers were appointed as Headmasters of Elementary School and



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allowed the scale of pay in the ordinary grade/selection grade/special grade applicable to the post of Secondary Grade Teachers and they were allowed the Special pay in addition to their pay. The said special pay was very meagre amount and the senior most persons in the seniority list of the Secondary Grade Teachers would normally be appointed as Headmaster. Therefore, in order to streamline this, by V pay commission the Government granted separate scale of pay of Rs.1400-2600 without special pay for Headmaster for Elementary schools and the scale of pay of Rs.1200-2040 for Secondary Grade Teachers. Therefore, the post of Elementary School Headmaster has become a promotional post with effect from 01.06.1988 i.e., from the implementation of the V pay commission recommendation. On representations made by the Headmasters of Elementary School for grant of Selection grade and Special grade counting their service rendered in the post of Secondary Grade Teacher and Headmaster of Elementary School, the Government examined the matter in detail and allowed Selection Grade and Special Grade.

4. The said Special Grade and Selection Grade was only awarded to the Headmaster of Elementary schools, who were in position on



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01.06.1988, counting their service rendered in the post of Secondary Grade Teacher and Headmaster of Elementary Schools as per G.O.Ms.No.1381, Education Department, dated 05.10.1990.

5. Therefore, those who got promotions after 01.06.1988 were not able to get such benefit. Therefore, in order to get the same benefit for those, who got promotion even after 01.06.1988, litigations were filed before this Court and ultimately, number of orders have been passed in number of writ petitions and matters had been taken to appeal by way of intra-court appeal, where also the Division Bench have held that those who got promotion after 01.06.1988 also would be entitled to get the same benefits.

6. This legal position since has been clarified by number of orders, the respondent would be entitled to get such a benefit.

7. When this has been considered and orders have been passed by the Writ Court dated 27.04.2015 made in W.P.No.12468 of 2015, as against which the present appeal since has been directed, we are of the view that the issue raised in this appeal has already been covered by



number of judgments, particularly the latest judgment of a co-ordinate

Bench of this Court, where one of us is a party (RSKJ), in the matter of

The Government of Tamil Nadu & Ors. Vs.V.N.Kalisamy & Ors. in

W.A.No.1038 of 2017 & etc., batch dated ***13.07.2023***, this Court having

taken note of the earlier Division Bench judgments, passed the following

orders:

“21. Therefore the issue has been settled and concluded where those teachers who were initially working as Secondary Grade Teachers and subsequently earned promotion as Primary School Headmaster after 01.06.1988 are entitled to get the benefit of Selection Grade and Special Grade and accordingly the pay has to be necessarily revised, therefore based on the revised pay what are all the arrears of pay shall be paid to them and correspondingly their pension also to be revised and after revision of pension, the arrears of pension also shall be paid to them and they are entitled to continuously receive the same till their lifetime.

22. Insofar as this benefit conferred on them is concerned, absolutely there can be any quarrel as the issue raised, as stated supra, has been settled. Therefore following the earlier judgments passed by this Court including the latest one of the Co-ordinate Bench dated 05.07.2023, we are inclined to dispose of these writ



appeals as well as the writ petitions to the following effect:

(i) That the Writ Appeals in W.A.Nos.2857 of 2019, 1038 of 2017, 944 of 2017, 1663 of 2018, 1766 of 2018, 671 of 2018, 688 of 2018, 704 of 2018, 3738 of 2019, 3166 of 2019 and 957 of 2019 are deserved to be dismissed, accordingly they are dismissed and the writ petitions in W.P.Nos.25680 of 2011, 8962 and 8963 of 2011, 21852 of 2014, 15496 of 2014, 2112 of 2015, 22175, 22176, 22177, 22178, 22179, 22180, 22181, 22182 of 2015, 24456 of 2015, 12990 of 2016 and 22176 of 2021 are allowed.

(ii) As a sequel, the respective retired Teachers who earned the promotion as Primary School Headmasters after 01.06.1988 are entitled to get the benefit of salary dues as well as pension dues by way of arrears and that shall be calculated and be paid to the respective retired Teachers/Primary School Headmasters by the appellant Department within a period of three months from the date of receipt of a copy of this judgment.

23. With the above observations and directions, all these Writ Appeals and Writ Petitions are disposed of to the terms indicated above. No costs. Consequently, connected miscellaneous petitions are closed.”



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WEB COPY 8. As the issue raised in this appeal since is covered as stated supra, the present appeal is deserves to be rejected, accordingly the present appeal is dismissed with the directions as has been stated in the order referred to above.

9. Accordingly, this Writ Appeal stands dismissed. No costs.
Connected miscellaneous petition is closed.

(R.S.K.,J.)

(C.K., J.)

09.10.2023

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

mp



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and
C.KUMARAPPAN.,J.

mp

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