



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.07.2023**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)Nos.1318 of 2013, 89 and 90 of 2014
and

M.P.(MD)Nos.1 and 1 of 2014

W.A(MD)No.1318 of 2013:-

R.Subramanian

... Appellant

Vs.

1.The State of Tamil Nadu,
represented by its Secretary,
Department of School Education,
Fort St.George, Chennai – 600 006.

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

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

4.The Additional Assistant Elementary
Educational Officer,
Mandapam, Ramnad District.

... Respondents



PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 17.09.2010 passed by this Court in W.P(MD)No. 12709 of 2009.

For Appellant :Mr.K.Ragatheesh Kumar
for M/s.Isaac Chamber
For Respondents :Mr.V.Om Prakash
Government Advocate

W.A(MD)No.89 of 2014:-

1.The State of Tamil Nadu,
represented by its Secretary,
Department of School Education,
Fort St.George, Chennai – 600 006.

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

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

4.The Additional Assistant Elementary
Educational Officer,
Aavudaiyarkoil, Pudukottai District.

... Appellants

Vs.

1.R.John Muthiah

2.The Correspondent,
Thirumurugan Senthamil Primary School,
Vettanur Post, Aranthangi Taluk,
Pudukottai District.

... Respondents



PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 29.08.2013 passed by this Court in W.P(MD)No. 13796 of 2013.

For Appellants	:Mr.V.Om Prakash Government Advocate
For R1	:Mr.K.Ragatheesh Kumar for M/s.Isaac Chamber
For R2	:No Appearance

W.A(MD)No.90 of 2014:-

1.The State of Tamil Nadu,
represented by its Secretary,
Department of School Education,
Fort St.George, Chennai – 600 006.

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

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

4.The Additional Assistant Elementary
Educational Officer,
Aranthangi, Pudukottai District.

... Appellants

Vs.

1.L.Savari Muthu

2.The Correspondent,
St.Fatima R.C.Primary School,
NGGO Colony, Aranthangi,
Pudukottai District.

... Respondents



WEB COPY

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 29.08.2013 passed by this Court in W.P(MD)No. 13797 of 2013.

For Appellants	:Mr.V.Om Prakash Government Advocate
For R1	:Mr.K.Ragatheesh Kumar for M/s.Isaac Chamber
For R2	:No Appearance

COMMON JUDGMENT

(Judgment of the Court was delivered by **DR.ANITA SUMANTH, J.**)

W.A(MD)No.1318 of 2013 has been filed by the petitioner in W.P.(MD)No.12709 of 2009 aggrieved by an order passed on 17.09.2010 by learned Single Judge, whereas, W.A(MD)Nos.89 and 90 of 2014 have been filed by the State challenging the order of learned Single Judge, dated 29.08.2013 in W.P(MD)Nos.13796 and 13797 of 2013.

2.Since the issue arising for consideration in all three Writ Appeals, though at the instance of different parties, is one and the same, a common order is passed disposing all the Writ Appeals.



WEB COPY

3.The relief sought for by the petitioners in the Writ Petitions was for sanctioning the award of Selection Grade and Special Grade pay in the post of Primary School Headmaster by reckoning and computing their services rendered in the cadre of Secondary Grade Teacher and Primary School Headmaster prior to 1988.

4.That very issue was initially held against the Writ Petitioners by a series of orders passed by different Benches. In appeal, a Division Bench in the case of ***S.Krishnasamy and another vs State of Tamil Nadu and others*** in ***W.A(MD)Nos.185 and 186 of 2011***, dated 04.08.2011, had reversed the order of learned Single Judges following the judgment of an earlier Division Bench, dated 07.07.2011 in W.A.No. 815 of 2010 batch. The operative portion of that judgment, as quoted by the Division Bench on 04.08.2011, is as follows:

“21.It is also a matter of record that the Government have considered the claim made by 55 of the retired employees and the benefits of the earlier Government orders were extended to them. The Government order in G.O.Ms.No.210 School Education (G1) dated 14.08.2009 clearly supports the case of the appellants. When it is made out that the Government have considered the demand of a section of erstwhile Headmasters of Elementary Schools and awarded them selection grade pursuant to the order passed by the employees, who have approached the Court at a belated point of time. The



WEB COPY



appellants are aged persons and ultimately, they would be given only the benefit of re-fixing their pension. The appellants have served the Education Department for a long time and at this point of time, they wanted only a similar treatment. The Government having issued orders conferring benefits to the similarly situated employees cannot be heard to say that such benefits would not be given to those who have not approached the Court within a reasonable time.”

5.To be noted, the learned Single Judge had dismissed the Writ Petitions on the ground of laches, whereas, the Division Bench has considered the matter on merits allowing the claims of the appellants therein.

6.Both the learned Counsels before us, Mr.K.Ragatheesh Kumar learned Counsel for the Writ Petitioner and Mr.V.Om Prakash, learned Government Advocate appearing for the State would concur on the position that the judgments of the Division Benches, dated 07.07.2011 and 04.08.2011, are on point and would cover the present cases as well.

7.That apart, as far as the appellant in W.A(MD)No.1318 of



WEB COPY

2013 is concerned, despite the State having succeeded in the first round of litigation before the learned Single Judge, the relief claimed by the Writ Petitioner has been granted and a Government Order bearing G.O(Ms)No.179, dated 06.09.2013 has been passed in her favour. It is not clear at this juncture of time, as to whether the first respondent in W.A.(MD)Nos.89 and 90 of 2014 has also been equally successful and if not, it is made clear that necessary orders be passed by respondents within a period of two weeks from date of receipt of a copy of this order.

8. With these, W.A.(MD)No.1318 of 2013 is allowed and W.A(MD)Nos.89 and 90 of 2014 are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[A.S.M.J.] & [R.V.J.]
04.07.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes

cmr

7/9



WEB COPY To

- 1.The Secretary,
The State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai – 600 006.
- 2.The Director of Elementary Education,
College Road, Chennai – 600 006.
- 3.The District Elementary Educational Officer,
Ramnad, Ramnad District.
- 4.The Additional Assistant Elementary
Educational Officer,
Mandapam, Ramnad District.



WEB COPY



DR.ANITA SUMANTH, J.
AND
R.VIJAYAKUMAR, J.

cmr

Common Judgment made in
W.A.(MD)Nos.1318 of 2013, 89 and 90 of 2014

Dated:
04.07.2023