



W.P.(MD)No.1245 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1245 of 2023

M.Pothiraj

Vs.

... Petitioner

1.The Director of Elementary Education,
Office of Elementary School Education,
DPI Complex,
Nungampakkam,
Chennai 600 006.

2.The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.

3.The District Educational Officer,
Kovilpatti,
Thoothukudi District.

4.The Block Development Officer II,
Kovilpatti,
Thoothukudi District.

... Respondents



W.P.(MD)No.1245 of 2023

WEB COPY

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to dispose of the petitioner's second appeal dated 17.09.2022 for sanction of special grade pay in the post of Secondary Grade Teacher on merits and in accordance with law, within the time limit as stipulated by this Court.

For Petitioner : Mr.K.Hemakarhikeyan

For Respondents : Mr.J.Ashok

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a writ of Mandamus, directing the first respondent to dispose of the petitioner's second appeal dated 17.09.2022 for sanction of special grade pay in the post of Secondary Grade Teacher.

2. The case of the petitioner is that he was appointed as Secondary Grade Teacher in the Panchayat Union Primary School in the year 2000. Thereafter, he was promoted as Primary School Headmaster in the year



W.P.(MD)No.1245 of 2023

WEB COPY

2008. He relinquished his promotion as Headmaster and he was reverted as B.T.Assistant and working as B.T.Assistant from 19.09.2011. After completion of 10 years, he was awarded with selection grade on 28.10.2010 and monetary benefit was given only from 19.09.2011 and he was not given any monetary benefit during the period where he was worked as Headmaster. He continuously working as Secondary Grade Teacher without any break and he has completed 20 years of service on 27.01.2020 and he is entitled to get Special Grade pay on completion of 20 years. Hence, he has made an application before the fourth respondent on 19.03.2020. The fourth respondent, in her proceedings dated 05.05.2022, has rejected the same stating that there is no provision to calculate two different posts which he was worked as Primary School Headmaster as well as the Secondary Grade Teacher. Hence, he has filed an appeal before the second respondent on 16.05.2022. The second respondent has rejected his claim on the ground that the Special Grade pay will be paid only to the persons, who have rendered 20 years of service without promotion. Aggrieved over the same, the petitioner has filed a second appeal before the first respondent on 17.09.2022 and the same is pending. Hence, the petitioner has filed the



W.P.(MD)No.1245 of 2023

present writ petition.

3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the first respondent to dispose of the second appeal filed by the petitioner on 17.09.2022, within a reasonable time as fixed by this Court.

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

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the first respondent to dispose of the second appeal filed by the petitioner dated 17.09.2022, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



W.P.(MD)No.1245 of 2023

6. With the above direction, this Writ Petition is disposed of. No costs.

24.01.2023

NCC: Yes/No
Index : Yes / No
Speaking Order : Yes / No

akv

To

- 1.The Director of Elementary Education,
Office of Elementary School Education,
DPI Complex,
Nungampakkam,
Chennai 600 006.
- 2.The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.
- 3.The District Educational Officer,
Kovilpatti,
Thoothukudi District.
- 4.The Block Development Officer II,
Kovilpatti,
Thoothukudi District.



WEB COPY



W.P.(MD)No.1245 of 2023

M.DHANDAPANI,J.

akv

W.P.(MD)No.1245 of 2023

24.01.2023