



W.P.(MD).No.3993 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3993 of 2021

P.Revathi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Secretariat,
Chennai.

2.The Director of Elementary Education,
Chennai.

3.The District Elementary Educational Officer,
Madurai District.

4.The Block Educational Officer/
Assistant Elementary Educational Officer,
Alanganallur Union,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay the personal pay of Rs.750/- with effect from 01.01.2006 notionally and monetary benefits with effect from 01.01.2011 as per G.O.Ms.No.23 Finance



W.P.(MD).No.3993 of 2021

(Pay Cell) Department, dated 12.01.2011 within time frame that may be stipulated by this Court.

For Petitioner : Mr.R.Karthic Rajan

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the respondents to pay the personal pay of Rs. 750/- with effect from 01.01.2006 notionally and monetary benefits with effect from 01.01.2011 as per G.O.Ms.No.23 Finance (Pay Cell) Department, dated 12.01.2011 within time frame that may be stipulated by this Court.

2. The petitioner was appointed as Junior Grade Secondary Grade Teacher on 03.09.2004 through Employment Exchange at Panchayat Union Primary School, Sunnambur, Melur Union, Madurai District. Subsequently, the 3rd respondent promoted the petitioner vide proceedings, dated 20.05.2010 on the basis of which she was promoted from the post of Secondary Grade Teacher to the post of B.T.Assistant (English) in the same school with effect from 01.06.2010. The petitioner's service has been regularized with effect from



W.P.(MD).No.3993 of 2021

01.06.2010 in the post of B.T.Assistant (English) vide proceedings of the 3rd respondent, dated 07.12.2020.

3. On the basis of the recommendation of One Man Commission, special allowances were granted to certain categories in Elementary Education / School Education Department vide Government Order in G.O.Ms.No.270, Finance (Pay Cell) Department, dated 26.08.2010 by which the Commission recommended to grant special allowances to the Secondary Grade Teacher at the rate of Rs.500/-. Subsequently, another Government Order in G.O.Ms.No. 23, Finance (Pay Cell) Department, dated 12.01.2011 for granting a personal pay of Rs.750/- by enhancing the special allowance from Rs.500/- to Rs.750/- to the Secondary Grade Teacher by refixing the scale of pay and the same was also came to be issued. The petitioner is also entitled to get the pay benefits enhanced in the line of the aforesaid Government Orders. Hence, this writ petition came to be filed.

4. The learned Government Advocate filed a counter and submitted that G.O.Ms.No.270, Finance (Pay Cell) Department, dated 26.08.2010 and the subsequent Government Order in G.O.Ms.No.23, Finance (Pay Cell)



W.P.(MD).No.3993 of 2021

Department, dated 12.01.2011 were issued for the purpose of grant of special allowances to the Secondary Grade Teachers. However, both the Government Orders were of prospective effect and no retrospective effect were given to those Government Orders and hence, only those Secondary Grade Teachers who were serving at the time of issuance of afore said Government Orders, are entitled to the such benefits. However, in this case, the petitioner was promoted as B.T.Assistant (English) as early as on 01.06.2010 and hence, she is not entitled to avail the benefits of these two Government Orders. On that basis, this writ petition is liable to be dismissed.

5. He also relied on the order passed by the Hon'ble Division Bench this Court in Rev.Applc(MD)Nos.89 & 117 of 2021, dated 04.02.2022 wherein this Court has dealt with a similar case. The relevant portion of which is extracted as follows:

“40. As per G.O.Ms.No.270 Finance (Pay Cell) Department, dated 26.08.2010, special allowance of Rs.500/-to Secondary grade teachers from 01.08.2010 and as per G.O.Ms.No.23 dated 12.01.2011 Special Pay Rs.750/-has w.e.f., 01.01.2011.

41.So, the writ petitioners who were all promoted before 01.08.2010 cannot claim special allowance and also special pay



W.P.(MD).No.3993 of 2021

WEB COPY

as per G.O.Ms.No.23 Finance (Pay Cell) Department, dated 12.01.2011. In writ appeals also all the respondents/writ petitioners were promoted before the crucial date i.e., 01.08.2010. Admittedly, benefit of G.O.Ms.No.270 not given (already promoted). So, G.O.Ms.No.270 and G.O.Ms.No.23 need not be combined.”

6. This Court is fully in consonance with the said judgment and in the line of the same, this Court is inclined to observe that the petitioner was promoted from the post of Secondary Grade Teacher to the post of B.T Assistant even before the issuance of G.O.Ms.No.23, Finance (Pay Cell) Department, dated 12.01.2011 and G.O.Ms.No.270, Finance (Pay Cell) Department, dated 26.08.2010. Hence, she is not entitled for the benefits of the aforesaid Government Orders.

7. Accordingly, this Writ Petition stands dismissed. No costs.

09.08.2023

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



W.P.(MD).No.3993 of 2021

WEB COPY

- To
- 1.The Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Secretariat,
Chennai.
 - 2.The Director of Elementary Education,
Chennai.
 - 3.The District Elementary Educational Officer,
Madurai District.
 - 4.The Block Educational Officer/
Assistant Elementary Educational Officer,
Alanganallur Union,
Madurai District.



WEB COPY



W.P.(MD).No.3993 of 2021

L.VICTORIA GOWRI, J.

gbg

**Order made in
W.P.(MD).No.3993 of 2021**

09.08.2023