



W.P.(MD)No.14693 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.14693 of 2020

M.Thirugnanam

... Petitioner

Vs.

1.The Secretary to Government,
School Education Department,
Secretariat,
Chennai.

2.The Joint Director
School Education Department,
DPI Complex,
Nungambakkam,
Chennai.

3.The District Educational Officer,
Thiruchirappalli District,
District Education Office,
Thiruchirappalli.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorarified Mandamus, to call for the



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records pertaining to the impugned reply of the 3rd respondent, dated 26.06.2020 in Na.Ka.530/A4/2020 and quash the same and consequently direct the respondents to grant Selection Grade increment and additional increment as per G.O.Ms.No.234 Finance (Pay Cell) Department, dated 01.06.2009 G.O.M.No.237 Finance (Pay Cell) Department, dated 22.07.2013 as on 08.07.2014 with all consequential benefits including pay revision, pension revision, arrears and interest.

For Petitioner : Mr.R.Narayanan

For Respondents : Mr.T.Amjadkhan,
Government Advocate

ORDER

This writ petition has been filed to quash the impugned reply of the 3rd respondent, dated 26.06.2020 in Na.Ka.530/A4/2020 and quash the same and consequently direct the respondents to grant Selection Grade increment and additional increment as per G.O.Ms.No.234 Finance (Pay Cell) Department, dated 01.06.2009 G.O.M.No.237 Finance (Pay Cell)



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Department, dated 22.07.2013 as on 08.07.2014 with all consequential benefits including pay revision, pension revision, arrears and interest.

2. The learned counsel appearing for the petitioner submitted that the petitioner is qualified with M.Sc., M.Ed., M.Phil., and appointed as B.T. Assistant Teacher in Government Higher Secondary School, Thathaiyangarpettai, Trichy District, in the year 1992 and thereafter, he was promoted as P.G. Assistant Teacher on 05.07.2004 and joined duty on 08.07.2004 at Government Higher Secondary School, Uppiliyapuram. Later, he was transferred on administrative reasons to Government Higher Secondary School, Thathaiyangarpetti, on 19.08.2005 on the same scale of pay and thereafter, on 11.11.2009, he was transferred to the inter-transferable post of Supervisor, Block Resource Centre, Pullambadi, Trichy District, which is an equal cadre as that of P.G. Assistant Teacher with same and identical scale of pay. Later, he was transferred to another inter-transferable post of Personal Assistant to Chief Educational Officer, Trichy, which is also equivalent to the post of P.G. Assistant Teacher with same and identical scale of pay. The petitioner joined duty on 19.01.2010. Further the



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petitioner was transferred as Head Master, Government High School, Kannanur, Trichy District, on 19.05.2010 in the same scale of pay. Since then, the petitioner worked in the same place, same post with same scale of pay until his retirement on 31.05.2020. Though the petitioner superannuation date was on 30.09.2019, by way of extension, he was allowed to retire on 31.05.2020. Thereafter, the petitioner made a representation to award Selection Grade in the post of P.G Assistant, since no promotion was granted in the post of P.G Assistant, he rendered service for more than 10 years of service in the ordinary grade of equivalent post from 08.07.2004 till his retirement on 31.05.2020. However, the same was rejected vide impugned order, dated 26.06.2020. Challenging the same, the present writ petition is filed.

3. The learned counsel for the petitioner further submitted that initially the petitioner was appointed as B.T. Assistant in the year 1992 and thereafter, he was promoted to the post of P.G. Assistant in the year 2004. Though the petitioner was transferred to various posts and various places, which has carried the same scale of pay and same cadre, till his retirement,



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no promotion was granted to the petitioner and in the absence of any promotion, when the petitioner was stagnated in the post of P.G. Assistant on completion of 10 years, he is entitled for Selection Grade in terms of G.O.(Ms)No.234, Finance (Pay Cell) Department, dated 01.06.2009. However, in the present case, the impugned order is bereft of any details and the authorities have mechanically passed the impugned order, which is not sustainable one. Accordingly, he prayed for allowing the writ petition.

4. The learned Government Advocate appearing for the respondents submitted that the petitioner submitted an application on 25.01.2020 requesting to award Selection Grade by counting his service all along in the same pay scale and equal cadre. The third respondent had rejected the claim of the petitioner and the same was under challenge. As per G.O.(Ms)No.234, Finance (Pay Cell) Department, dated 01.06.2009, the existing scheme of Selection Grade/Special Grade was continued from Grade pay of Rs.1300 to Rs.6000 and such employees shall be moved to Selection Grade on completion of 10 years in ordinary grade and to Special Grade on completion of 20 years or 20 years of total service in a post. The



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service should be in the same post. From the date 08.07.2004 to 18.01.2010, he was in the cadre of P.G. Assistant which is borne in the Tamil Nadu Higher Secondary Service and from 19.01.2010, he was borne on Tamil Nadu Educational Service which is a different service and governed by different service rules, although the scale of pay is identical. Hence, the prayer of the petitioner is not a sustainable one and hence, he prayed for dismissal of the writ petition.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The facts in the present case are not in dispute. Admittedly, the petitioner was appointed as B.T Assistant in the year 1992 and in the year 2004 he was promoted to the post of P.G. Assistant and thereafter, he was transferred to the post of Supervisor, Block Resource Centre, Pullambadi and then transferred to the post of Personal Assistant to Chief Educational Officer, Trichy (High School Headmaster cadre) and again transferred as Headmaster, Government High School, Kannanur, on 19.05.2010. All those



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posts are same cadre posts as that of P.G. Assistant and scale of pay are also one and the same, thereby the petitioner made representation to award Selection Grade in the post of P.G. Assistant and the same was rejected. However, the fact remains as per G.O.(Ms.)No.234, dated 01.06.2009 they introduced scheme for awarding Selection Grade and Special Grade on completion of 10 years and 20 years of service respectively. In the present case, though the petitioner initially entered as B.T. Assistant in the year 1992, however, he was granted promotion in the year 2004 as P.G. Assistant post, even in the original post, the petitioner is entitled for Selection Grade, however, subsequently the petitioner was promoted as P.G. Assistant in the year 2004 and thereafter, he was stagnated in the post, without any promotion till his retirement. Though all the posts were inter-changeable which shall carry on the same pay and same cadre and no promotion was granted to the petitioner till his retirement. Hence, on completion of 10 years of service, the petitioner is entitled for Selection Grade in the post of P.G. Assistant. However, the third respondent without considering the G.O. (Ms)No.234, dated 01.06.2009, had mechanically rejected the petitioner's representation, is not sustainable one.



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7. Accordingly, this writ petition is allowed and the impugned order is set aside. The third respondent is directed to award Selection Grade in the post of P.G. Assistant to the petitioner and pay monetary benefits to the petitioner within a period of 12 weeks from the date of receipt of a copy of this order and Consequently, the third respondent is directed to revise the pension and grant additional benefits, if any eligible, to the petitioner. No costs.

31.01.2023

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

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M.DHANDAPANI,J.

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