



W.P.(MD).No.17636 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17636 of 2023

1. Y.Kadaksham
2. R.Leela Bai
3. D.Leela Bai
4. G.Leela Bai

... Petitioners

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department, Secretariat,
Chennai-9.
2. The Director Elementary Education,
DPI Complex, College Road,
Nungambakkam, Chennai.
3. The District Education Officer,
Thiruvattar, Kanyakumari District
Now at Marthandam.
4. The Head Mistress,
Government Higher Secondary School,
Vili, Nagercoil-629 163,
Kanyakumari District.



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5. The Block Education Officer,
Melpuram, Kuzhithurai-629 163,
Kanyakumari District.
6. The Head Master,
Government High School,
Mecode, Kaliyakkavilai-629 153.
7. The Block Education Officer,
Munchirai, Puthukkada Post,
Kanyakumari District-629 171.
8. The Principal Accountant General,
Office of the Principal Accountant General (A and E),
No.361, Anna Salai,
Chennai-600 018.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to issue necessary Government Order for the petitioners, extending similar benefit of secondary grade pay scale from the date of initial appointment of petitioners till date of their promotion on par with 19 similarly placed employees in G.O.Ms.No.103 School Education as per the order passed in WP No.33806/2006 dated 06.01.2010 and consequently direct the respondents to sanction the disbursement of monetary benefits to the petitioners.

For Petitioners : Mr. R.Russel Raj

For Respondents : Mr.N.Ramesh Arumugam (R1 - R7)
Government Advocate

Mr.Gunasekaran (R8)

Standing Counsel



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ORDER

The present writ petition has been filed seeking a direction to the first respondent to issue necessary Government Order for the petitioners, extending similar benefit of secondary grade pay scale, from the date of initial appointment of petitioners till date of their promotion on par with 19 similarly placed employees in G.O.Ms.No.103 School Education, as per the order passed in WP No.33806 of 2006, dated 06.01.2010 and consequently direct the respondents to sanction the disbursement of monetary benefits to the petitioners.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, R.Russel Raj, learned counsel appearing for the petitioners, Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents 1 to 7 and Mr.P.Gunasekaran, learned Standing Counsel appearing for the eighth respondent. Perused the materials on record.



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4.(i).The petitioners were appointed as Elementary Grade Teachers on 01.06.1994, 15.06.1994, 16.08.1962 and 28.10.1966 respectively. Subsequently, they were promoted as Second Grade Teachers and were allowed to retire on 30.06.1999, 31.05.1999, 28.02.2003 and 31.01.2002 respectively.

(ii).Though the petitioners were appointed in the grade of Elementary School with higher qualification, for want of eligible post of Secondary Grade Teachers, for over eight years from 1964 to 1972, for over five years from 1964 to 1969, for over five years from 1962 to 1966 and for over five years from 1966 to 1971, respectively, they were not given with pay scale applicable for the Secondary Grade Teachers.

(iii).Hence, writ petitions in WP(MD)No.3599 of 2018 and 1574 of 2019 claiming to award Secondary Grade pay scale and arrears of pay for the period of their service rendered by them as Secondary Grade Teachers came to be filed. Both the writ petitions were allowed by this Court, directing the respondents to grant Secondary Grade scale of pay to the petitioners therein, for the period of service, which they served in the place of higher grade with the secondary grade qualification.



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(iv).The said issue was covered in G.O.Ms.No.103, School Education Department, dated 24.05.2017, wherein, similarly placed teachers, who were appointed along with the petitioners were given benefits.

(v).Since the request of the petitioners was not considered in line with the order passed by this Court, this writ petition came to be filed.

5.The learned Standing Counsel appearing for the eighth respondent fairly submitted that the final order has to be passed by the first respondent.

6.In view of the above, this Court hereby direct the first respondent to pass necessary orders to the petitioners, extending similar benefit of secondary grade pay scale, from the date of initial appointment of petitioners till date of their promotion, on par with 19 similarly placed employees in G.O.Ms.No.103, School Education Department and as per the order passed in WP No.33806 of 2006, dated 06.01.2010, within a period of twelve (12) weeks, from the date of receipt of a copy of this order. The respondents 2 to 8 are hereby directed to disburse the monetary benefits to the petitioners, for which they are entitled.



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7. Accordingly, this writ petition stands disposed of. There shall be

no order as to costs.

30.08.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Secretary to Government, State of Tamil Nadu,
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Chennai-9.
2. The Director Elementary Education,
DPI Complex, College Road,
Nungambakkam, Chennai.
3. The District Education Officer,
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L.VICTORIA GOWRI, J.

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