



WEB COPY



W.P. No.33915 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.33915 of 2013

N.K.Kalavathi

... Petitioner

Vs.

1.The Government of Tamil Nadu rep. by
Secretary to Government,
Finance (CMPC) Department,
Fort St.George, Chennai-600009.

2.The Additional Assistant Elementary,
Educational Officer,
Kodumudi Block, Kodumudi,
Erode District.

3.The Secretary,
Aided Elementary School,
Nadupalayam, Vellottamparappu (P.O)
Erode District, Pin:- 638154.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus call for the records relating to the impugned order of the first respondent in Government Letter No.14483/CMPC/2011-I dated 05.01.2012 and the order of second respondent in Rc.No.534/A4/2013 dated 11.11.2013 and quash the said orders



and direct the respondents to approve the pay fixation made by the third respondent and grant all consequential benefits to the petitioner.

For Petitioner : Mr.P.Rajendran
For Respondent : Mr.K.H.Ravikumar
Government Advocate.

ORDER

This writ petition has been filed seeking writ of certiorarified mandamus to call for the records relating to the impugned Government Letter No.14483/CMPC/2011-I dated 05.01.2012, and the order passed by the 2nd respondent in R.C.No.534/A4/2013 dated 11.11.2013 and sought for a consequential direction to the respondents to approve the pay fixation made by the 3rd respondent through proceedings dated 15.07.2009 and grant all consequential benefits.

2. The proposal dated 15.07.2009 submitted by the 3rd respondent for fixation of pay of the petitioner was in terms of impugned Letter dated 05.01.2012 issued by the 1st respondent. However, the proposal submitted by the 3rd respondent was negatived by the 2nd respondent on the ground that the benefit of fixation of pay in selection grade/special grade under the Tamil



Nadu Revised Scales of Pay, 2009 has no application to the Primary School Head Master appointed on or after 01.01.2006. It is in the light of the said rejection, the petitioner approached this Court by filing the present writ petition.

3. Through impugned Letter dated 05.01.2012, the benefit of upgradation/revision of pay is restricted only to the teachers who were awarded Selection grade/Special grade prior to 01.01.2006, and to the teachers who have opted for revision of pay scale on a subsequent date between 01.01.2006 and 31.05.2009.

4. The 1st respondent filed detailed counter affidavit stating that the pay scale of the Secondary Grade Teacher and Primary School Head Master was identical prior to 01.01.2006, and thereafter, there was difference in the pay of the Secondary Grade Teacher and Primary School Head Master and therefore, the services rendered in the post of Secondary Grade Teacher is not being taken into consideration for the purpose of awarding Selection Grade/Special Grade. However, a claim was made by the Primary School



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Head Masters for counting the services rendered by them in the post of Secondary Grade Teacher.

5. In the light of the said dispute, the Government issued orders extending the benefit of counting the services rendered in the post of Secondary Grade Teacher in the post of Primary School Head Master by fixing the cut off date as 31.05.2009, and the same was clarified through the impugned Letter dated 05.01.2012. As the revision of pay scales have come into force with effect from 01.01.2006, the petitioner was promoted to the post of Primary School Head Master after coming into force of the Tamil Nadu Revised Pay scales of pay scales, 2009, the Government has clarified that the benefit of selection grade/special grade provided through Letter dated 05.01.2012 has no application to the Primary School Head Masters who were promoted after 01.06.2009. Thus, the cut off date has been fixed by the Government as a matter of policy for the purpose of restricting the benefit of fixation of pay in the Selection grade/Special grade, in the cadre of Primary School Head Master.



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6. It is settled law that the fixation of cut off date is a matter of discretion of the Government in the facts and circumstances of each case.

However, in the present case, the cut off date is fixed by the Government as 31.05.2009, and in the circumstances, this Court does not find any error or illegality in the impugned Letter date 05.01.2012 and the consequential Letter dated 11.11.2013.

7. Accordingly, this writ petition is dismissed. The connected miscellaneous petitions, if any, shall stand closed. No costs.

20.11.2024

Index : Yes/No
Speaking Order : Yes/No
dpa

To:

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