



W.P.No.9394 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM

THE HON'BLE **MR.JUSTICE MUMMINENI SUDHEER KUMAR**

W.P.No.9394 of 2021

and

W.M.P.No.9983 of 2021

S.Ganapathy,
S/o. Sekar,
B.T. Assistant (Maths),
Panchayat Union Middle School,
Onbathampalikadu,
Namagiripettai Union,
Namakkal District

...Petitioner

Versus

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009
- 2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006
- 3.The Chief Educational Officer,
Namakkal District, Namakkal



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4. The District Educational Officer,
Namakkal Educational District,
Namakkal

5. Block Educational Officer,
Namagiripettai Union,
Namakkal District

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari to call for the records relating to the impugned proceedings issued by the 4th Respondent in Na.Ka.No.0086/A1/2021 dated 18.01.2021 and to quash the same .

For Petitioner : M/s..S.Nedunchezhiyan

For Respondents : Mr.R.H.Ravikumar
Government Advocate

ORDER

The petitioner herein was initially appointed as Secondary Grade Teachers and was subsequently promoted to the post of B.T.Assistant after 01.01.2006 and before 01.01.2011. While he was working as Secondary Grade Teacher, an issue relating to anomalies in the pay of Secondary Grade Teachers was cropped up resulting in appointment of One Man Committee for resolving the issues and ultimately the Government issued G.O.Ms.No.23,



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Finance Department (Pay Division) dated 12.01.2011 granting a special pay of Rs.750/- with effect from 01.01.2006, but extending the monetary benefit only with effect from 01.01.2011. The claim made by the petitioner for extending the benefit under the said G.O was negated by the respondents, on the ground that the petitioner who was working in the cadre of Secondary Grade Teacher, was later promoted as Headmaster prior to issuance of the said G.O.Ms.No.23, Finance Department (Pay Division) dated 12.01.2011, allowing monetary benefit with effect from 01.01.2011. The respondents have not re-fixed the pay of the petitioner in the cadre of Secondary Grade Teacher on the ground that the petitioner was not working in the cadre of Secondary Grade Teacher as on the date of the issuance of the said G.O.Ms.No.23, Finance Department (Pay Division) dated 12.01.2011. Aggrieved by the same, the petitioner has approached this Court.

3. During the course of hearing, it is brought to the notice of this Court by the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents that the claim made by the petitioner in this writ petition to extend the benefit of the special pay as awarded in G.O.Ms.No.23, Finance Department (Pay Division) dated 12.01.2011 has



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come up for consideration before a learned Division Bench of this Court in Rev.Appl.(MD)Nos.89 and 117 of 2021 in W.A.(MD).Nos.1854 to 1859 of 2021, wherein the learned Division Bench by an order dated 04.02.2022 had allowed the review applications and the claim of the petitioners therein, who were similarly situated like the petitioner in this writ petition was negated. It is also brought to the notice of this Court that the said decision of the learned Division Bench was followed by the learned Single Judge of this Court in W.P.No.26384 of 2018 vide order dated 18.10.2022 and the copy of the same is also placed before the Court.

2. Therefore, the petitioner is not entitled to claim for grant of special pay and re-fixation of his pay in the cadre of Secondary Grade Teacher by extending the benefit of G.O.Ms.No.23, Finance Department (Pay Division) dated 12.01.2011 and consequential fixation of his pay.

3. In the light of the aforesaid order passed by the learned Division Bench of this Court and the decision of the learned Single Judge, this Court has no option except to follow the decision of the learned Division Bench of this Court and negative the claim of the petitioner. In the light of the above,



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this Court does not find any error in the impugned proceedings.

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5.However, the learned counsel for the petitioner contended that by virtue of the special pay that was granted in favour of the person, who was juniors to the petitioners in the cadre of Secondary Grade Teachers and were promoted often prior to the issuance of G.O.Ms.No.23, Finance Department (Pay Division) dated 12.01.2011, and on their promotions to the post of B.T.Assistant subsequent to the petitioner, they are getting higher pay than the pay of the petitioner in the cadre of B.T.Assistant.

6. In the light of the above, it is made clear that in case if the person, who was promoted subsequent to the promotion of the petitioner to the cadre of B.T.Assistant and they are drawing higher pay than the pay being drawn by the petitioner in the cadre of BT Assistant, it is open for the petitioner to make appropriate claim for fixation of pay on par with their juniors in the cadre of B.T.Assistant. In case if any such claim is made by the petitioner, the same shall be considered by the respondents in accordance with law and appropriate orders shall be passed as expeditiously as possible at any rate within a period of three (3) months from the date of such claim made by the



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petitioner.

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7. Subject to above observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition, shall stand closed.

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Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation :Yes/No

vsn

To



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MUMMINENI SUDHEER KUMAR, J.

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