



WEB COPY



W.P.No.20545 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.03.2024

CORAM :

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Writ Petition No.20545 of 2021

1. S.Perumalsamy
2. P.Arulraj
3. S.Pandiaraj
4. K.Raju
5. K.Saroja
6. K.Seeniammal

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Petitioners

-Vs-

1. The Government of Tamil Nadu,
Rep.by the Secretary to the Government,
School Education Department,
Fort St. George,
Chennai – 600 009.

2. The Director of Elementary Education,
College Road,
Chennai – 600 006.

3. The District Educational Officer,
Virdhunagar,
Virdhunagar (Dt)

4. The Block Educational Officer,
(Formerly Assistant Elementary Educational Officer)
Vembakottai Panchayat Union,
Virdhunagar (Dt).

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Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the first and second respondents to grant arrears of pay to the petitioners in respect of selection and special grade scale of pay in the post of Primary School Headmaster, as fixed under the G.O.Ms.No.207 School Education (G2) Department dated 30.09.2008.

For Petitioners : Mr.R.Saseetharan
For Respondents : Mr.P.Gurunathan
Additional Govt. Pleader

ORDER

Heard Mr.R.Saseetharan, the learned counsel for the petitioner and Mr.P.Gurunathan, the learned Additional Government Pleader for the respondents.

2. The petitioners have filed this writ petition seeking a writ of mandamus to direct the first and second respondents to grant arrears of pay in respect of selection and special grade scale of pay in the post of “Primary School Headmaster”, as fixed under the G.O.Ms.No.207 School Education (G2) Department dated 30.09.2008.



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3. Mr.R.Saseetharan, the learned counsel for the petitioners, submitted that the petitioners were appointed as Primary School Headmaster after 01.06.1988 as per their seniority; their pay has been fixed under G.O.Ms.207, School Education Department, dated 30.09.2008; in pursuant to the said order the petitioners have been paid only with arrears of pension and not with arrears of pay.

4. Mr.P.Gurunathan, the learned Additional Government Pleader, submitted that the petitioners have earlier filed a writ petition in W.P.No.24214 of 2014 to grant arrears of pay in respect of pay fixation under G.O.Ms.No.207 dated 30.09.2008 and the same was allowed; the appeal preferred by the Government challenging the said order in W.A.No.2857/2019 & batch, was dismissed on 13.07.2023 and the review petition against the said judgment is still pending.

5. In the writ appeal in W.A.No.2857/2019 & batch, the Division Bench of this Court held as under:

“ 21. Therefore the issue has been settled and concluded where those teachers who were initially working as Secondary Grade Teachers and subsequently earned promotion as Primary



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School Headmaster after 01.06.1988 are entitled to get the benefit of Selection Grade and Special Grade and accordingly the pay has to be necessarily revised, therefore based on the revised pay what are all the arrears of pay shall be paid to them and correspondingly their pension also to be revised and after revision of pension, the arrears of pension also shall be paid to them and they are entitled to continuously receive the same till their lifetime.

22. Insofar as this benefit conferred on them is concerned, absolutely there can be any quarrel as the issue raised, as stated supra, has been settled. Therefore following the earlier judgments passed by this Court including the latest one of the Co-ordinate Bench dated 05.07.2023, we are inclined to dispose of these writ appeals as well as the writ petitions to the following effect:

(i) That the Writ Appeals in W.A.Nos.2857 of 2019, 1038 of 2017, 944 of 2017, 1663 of 2018, 1766 of 2018, 671 of 2018, 688 of 2018, 704 of 2018, 3738 of 2019, 3166 of 2019 and 957 of 2019 are deserved to be dismissed, accordingly they are dismissed and the writ petitions in W.P.Nos.25680 of 2011, 8962 and 8963 of 2011, 21852 of 2014, 15496 of 2014, 2112 of 2015, 22175, 22176, 22177, 22178, 22179, 22180, 22181, 22182 of 2015, 24456 of 2015, 12990 of 2016 and 22176 of 2021 are allowed.

(ii) As a sequel, the respective retired Teachers who earned the promotion as Primary School Headmasters after 01.06.1988 are entitled to get the benefit of salary dues as well as pension dues by way of arrears and that shall be calculated and be paid to the



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respective retired Teachers/Primary School Headmasters by the appellant Department within a period of three months from the date of receipt of a copy of this judgment.

23. With the above observations and directions, all these Writ Appeals and Writ Petitions are disposed of to the terms indicated above. No costs. Consequently, connected miscellaneous petitions are closed.”

6. The above judgment is squarely applicable to the facts of the present case. Hence, I feel the first and second respondents should be directed to pass orders in the light of the above Writ Appeal.

7. Accordingly, this Writ Petition is disposed with a direction the respondents to consider the case of the petitioners and pass orders in the light of the judgment passed by the Division Bench of this Court in W.A.No.2857/2019 & batch dated 13.07.2023, within a period of six weeks from the date of receipt of a copy of this order. No costs.

12.03.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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R.N.MANJULA, J.

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To

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The Government of Tamil Nadu,
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