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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.02.2024

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**Writ Appeal No.1479 of 2021
and C.M.P.No.9396 of 2021**

- 1.The Government of Tamil Nadu,
Represented by Secretary to the Government,
School Education Department,
Fort St.George, Chennai – 9.
 - 2.The Director of Elementary Education,
College Road, Chennai – 6.
 - 3.The District Elementary Educational Officer,
Erode District.
 - 4.The Assistant Elementary Educational Officer,
Nambiyur Panchayat Union,
Nambiyur, Erode District.
- ... Appellants

Vs

- 1.R.Shanmugam
- 2.K.Ramasamy
- 3.K.Lakshmanan
- 4.M.Chinnamuthu
- 5.A.Palanisamy
- 6.V.Ramasamy
- 7.V.Lakshmi



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8.K.S.Jotheeswari

9.S.P.Angammal

10.P.Thangaraj

11.S.V.Subramaniam

12.M.Rangasamy

13.G.Murgesan

14.K.Ponnusamy

15.K.Thulasiammal

16.S.Manjuladevi

17.G.P.Parvathi

18.S.Nirmalamary

... Respondents

PRAYER: Writ Appeal has been filed under Clause 15 of Letter Patent against the order dated 27.04.2015 made in W.P.No.1584 of 2015.

For Appellants : Mr.P.Gurunathan
Additional Government Pleader

For Respondents : Mr.R.Saseetharan for R1 to R18

JUDGMENT

(Judgement of the Court was made by Mr.K.KUMARESH BABU.,J.)

This Intra Court Appeal has been preferred against the order of the learned Single Judge, wherein the order of the second respondent dated 23.07.2010 was quashed and the appellants were directed to grant the arrears of pay in respect of pay fixation done under G.O.Ms.No.207 School Education (G2) Department dated 30.09.2008, with a further direction to



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comply with the same within a period of 12 weeks from the date of receipt of copy of the order.

2. We have heard Mr.P.Gurunathan, learned Additional Gov-
ernment Pleader appearing for the appellants and Mr.R.Saseetharan, learned
counsel appearing for the respondents 1 to 18.

3. When this appeal is taken up for hearing, a judgment of this Bench
in a batch of cases in W.A.No.2857 of 2019 etc. was placed before us,
wherein we have considered a similar issue and rejected the appeals filed by
the Government and allowed the Writ Petitions filed by the respective
individuals and had held that the retired teachers who have earned promo-
tion as Primary School Headmaster after 01.06.1988, were entitled to get
the benefit of salary dues as well as pension dues by way of arrears.

4. We are of the view that the judgment referred supra, is squarely ap-
plicable to the facts of this case. Hence, we are of the considered view that
this Writ Appeal would also have to fail.



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5. In fine, the Writ Appeal fails and is dismissed. The order of the learned Single Judge shall be implemented within a period of eight (8) weeks from the date of receipt of a copy of this judgment. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

(R.S.K.,J.)

(K.B., J.)

19.02.2024

Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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R.SURESH KUMAR., J.
and
K.KUMARESH BABU.,J.

gba

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