



W.P.(MD)No.470 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.470 of 2021

and

W.M.P(MD)No.403 of 2021

P.Thangappan

... Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai-6.

2.The Chief Educational Officer,
Kanyakumari District at Nagercoil.

3.The District Educational Officer,
Nagercoil, Kanyakumari District.

4.The Correspondent,
L.M.S.Higher Secondary School,
James Town, Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to sanction and disburse Special Grade to the petitioner in the cadre of Laboratory Assistant w.e.f., 03.01.2013 on completion of 20 years of service in the same post.



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For Petitioner : Mr.S.Xavier Rajini
For R1 – R3 : Mr.Suryaananth
Additional Government Pleader
For R4 : No Appearance

ORDER

The present writ petition has been filed seeking a direction to the respondents to sanction and disburse Special Grade to the petitioner in the cadre of Laboratory Assistant w.e.f., 03.01.2013 on completion of 20 years of service in the same post.

2. The petitioner joined as a Night Watchman in Scott Christian Higher Secondary School, Nagercoil on 14.10.1981. Later, he was transferred to various schools within the same management and he was promoted as Office Assistant and was posted in LMS Girls High School, Santhapuram, Kanyakumari District on 01.06.1990. Further, he was promoted as Laboratory Assistant in LMS Higher Secondary School, South Thamarai Kulam, Kanyakumari District on 01.01.1993. He was further transferred to Ringle Taube Higher Secondary School, Mylaudy, Kanyakumari District and thereafter, promoted as Junior Assistant and was posted in the 4th respondent



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LMS Higher Secondary School, James Town on 09.01.2008. On attaining the age of superannuation on 31.05.2017, he retired from service. On completion of 10 years of service in the cadre of Laboratory Assistant, he was given with selection grade with effect from 02.01.2003. On completion of 20 years of service in the cadre of Laboratory Assistant, the respondents have disbursed the petitioner's scale of pay in the cadre of Laboratory Assistant (Selection Grade) till his retirement on 31.05.2017. However, he is entitled to get special grade on completion of 20 years of service in the cadre of Laboratory Assistant on 03.01.2013. But the respondents did not grant special grade status to the petitioner in the cadre of Laboratory Assistant. Despite several requests made by the petitioner in this regard, the respondents did not pass necessary orders. Hence, this writ petition came to be filed.

3. The learned counsel for the petitioner submitted that though the petitioner was promoted to the post of Junior Assistant, he retired only in the cadre of Laboratory Assistant and hence, the respondents ought to have granted him permanently with a special grade on 03.01.2013 on completion of 20 years of service in the cadre of Laboratory Assistant. However, such an exercise was



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not done by the respondents and hence, he pressed for allowing the writ petition.

4. The learned Additional Government Pleader appearing for the respondents has filed a counter and submitted that the post of Laboratory Assistant and the post of Junior Assistant are the same cadre in Tamil Nadu Ministerial Service and hence, the question of promoting the petitioner from the post of Laboratory Assistant to Junior Assistant will not arise. However, only because of the reason that the 4th respondent school failed to send a proposal of grant of special grade to the petitioner, to the 3rd respondent, the petitioner was not granted with special grade. In case of receipt of any such proposal from the said school, appropriate orders will be passed granting special grade in the cadre of Laboratory Assistant to the petitioner.

5. Recording the said submission, this Court direct the 4th respondent to send a proposal to the 2nd respondent with respect to the grant of special grade to the petitioner within a period of two (2) weeks from the date of receipt of copy of this order. On receipt of the same, the 2nd respondent is directed to pass



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orders granting special grade in the cadre of Laboratory Assistant to the petitioner within a period of eight (8) weeks thereafter.

6. With the above said observations, this Writ Petition stands allowed.

No costs. Consequently, connected Miscellaneous Petition is closed.

04.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

- 1.The Director of School Education,
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- 3.The District Educational Officer,
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L.VICTORIA GOWRI, J.

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