



*W.P.(MD)Nos.19387, 19392, 19394,
19396,19397 & 19708 of 2020*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.02.2024

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THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)Nos.19387, 19392, 19394, 19396, 19397 & 19708 of 2020

W.P.(MD)Nos.19387 of 2020

M.S.Rajendran

... Petitioner

Vs.

1.The Director of School Education,
Chennai-600 006.

2.The Chief Educational Officer,
Dindigul District, Dindigul.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in Oo.Mu.No.10433/E1/2019 dated .11.2019 passed by the 2nd respondent and quash the same and consequently direct the respondents to extent the benefit of G.O.(Ms).No.562 dated 28.10.1998 by granting one bonus of increment as incentive by calculating the service rendered by the petitioner in the post of Assistant Elementary Educational Officer and revise all the monetary benefits of the petitioner accordingly and disburse the same.



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For Petitioner : Mr.T.Antony Arulraj

For Respondents : Mr.V.Om Prakash,
Government Advocate

COMMON ORDER

The petitioners in these batch of Writ Petitions were initially appointed as Middle School Head Masters and on completing 10 years period in the very same post, they were awarded with Selection Grade and on completion of 20 years, they were also awarded with Special Grade. Thereafter, all the petitioners were appointed by transfer as Assistant Elementary Educational Officers and retired from service during the years 2005 to 2007. After the lapse of about 10 to 15 years, the petitioners have made a claim for grant of bonus increment by placing reliance on G.O. (Ms).No.562, Finance (Pay Cell) Department, dated 28.10.1998. The said G.O., provides for grant of one bonus increment to the employees stagnating in a post beyond 30 years, i.e., employees stagnating in the Special Grade beyond 10 years. The body of the said G.O., reads under:



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“Representations have been made by several employees associations before the One Man Commission constituted in the Government Order second read above for opening an avenue viz., Super Grade or Senior Grade for those employees who have completed 30 years of service in the same post above the existing Special Grade. The One Man Commission among other things has recommended that employees stagnating in a post beyond 30 years i.e. Employees stagnating in Special Grade beyond 10 years be granted with one bonus increment with a view to keep the employees vibrant and active during the fag end of their service.

2. The Government after careful examination of the recommendations of the One Man Commission has decided to accept it. Accordingly, Government directs that employees stagnating in a post beyond 30 years i.e. employees stagnating in the Special Grade beyond 10 years be granted with one bonus increment as an incentive.

3. These orders shall take effect from 1st September 1998.”



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2. The claim of the petitioners was rejected by the respondents by passing respective impugned orders, stating that the post of Assistant Elementary Educational Officer, is totally different than the Middle School Head Master.

3. It is the contention of the learned counsel for the petitioners that the petitioners were only transferred from the post of Middle School Head Master to the post of Assistant Elementary Educational Officer, but the same is not a case of promotion and the same pay band is applicable to the post of Middle School Head Master. The post of Assistant Elementary Educational Officer is intertransferable with Middle School Head Master and therefore, both the posts have to be treated in the same cadre and they are deemed to have been continued in the very same post beyond 30 years and beyond 10 years in the same cadre. Thus, it is contended that they are entitled for bonus increment as per G.O.(Ms).No.562, Finance (Pay Cell) Department, dated 28.10.1998.



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4. On the other hand, the learned Government Advocate contended that the petitioners, who were appointed by transfer to the post of Assistant Elementary Educational Officer, were entrusted with the duty and responsibility of supervising over 10 Middle School Head Master and thus the nature of duties that are entrusted to the Assistant Elementary Educational Officer is different than the duties of the Middle School Head Master that was held by the petitioners and therefore, the petitioners are not entitled to benefit of bonus increment under G.O.(Ms).No.562, Finance (Pay Cell) Department, dated 28.10.1998. Further, it is also brought to the notice of this Court by the learned Government Advocate that the post of Assistant Elementary Educational Officer was subsequently re-designated as Block Elementary Officer through G.O.(Ms.)No.101, School Education (Budget-1) Department, dated 18.05.2018 and subsequently, the post of Middle School Head Master is included in the feeder category for the post of Block Educational Officer. Thus, he contended that the post of Assistant Elementary Educational Officer is superior post than the post of Middle School Head Master.



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5. This Court has carefully considered the rival submissions made on the either side.

6. The purpose of providing selection grade, special grade, etc, is only taking into consideration that, for want of appropriate promotional avenues to the employees who continued in the very same post for years together and therefore, in order to encourage and to avoid stagnation such schemes were introduced providing for award of additional increment. It is only because they are continuing in the very same post for long time. It is not because, the employees are drawing the same pay for years together the selection grade and special grade etc., were introduced. The pay of any employee will automatically increase every year on award of yearly increment and as well as on each pay revision. The question of stagnation of pay band of an employee will never arise. In the instant case, the petitioners were admittedly extended the benefit of selection grade and special grade on completion of 10 years and 20 years respectively and thereafter, they were posted in the post of Assistant Elementary Educational Officer and they



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retired in the said post. Therefore, the contention of the learned counsel for the petitioner that they are to be treated as continued in the very same post or in the same cadre can't be accepted. Admittedly, duties and responsibilities of the Assistant Elementary Educational Officer are totally different than that of the Middle School Head Master. It is also an undisputed fact that Middle School Head Master post was subsequently included in the feeder category to the post of Assistant Elementary Educational Officer (presently Block Educational Officer). From this also it is evident that the post of Assistant Elementary Educational Officer is superior than Middle School Head Master. Equally, drawing same pay band can't be a ground to claim the benefit of Bonus increment under G.O.(Ms).No.562, Finance (Pay Cell) Department, dated 28.10.1998.

7. Further, the petitioners have retired from service between the years 2005 and 2007. It is only in the year 2019, they filed the present writ petitions and these petitioners slept over the matter for more than a decade. These Writ Petitions are liable to be dismissed on the ground of delay and laches.



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8. In the light of the above, this Court does not find any merit in these Writ Petitions. Hence, these Writ Petitions are dismissed. There shall be no order as to costs.

NCC : Yes/No
Index : Yes/No
Internet : Yes
LS

27.02.2024

To

- 1.The Director of School Education,
Chennai-600 006.
- 2.The Chief Educational Officer,
Dindigul District, Dindigul.
- 3.The Accountant General (A&E),
Tamil Nadu Authorization of Revision of Pension/Gratuity/Commutation,
Annasalai, Chennai.



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MUMMINENI SUDHEER KUMAR, J.

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