



W.P.No.1407 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.12.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.1407 of 2022

and

W.M.P.No.1551 of 2022

T.Natarajan
S/o.Thangavel Udayar
Headmaster (Rtd.)
Panchayat Union Elementary School (Girls)
Avalurpettai, Melmalaiyanur Panchayat Union
Villupuram District.
Residing at No.2/32, Mandaveli Street
Avalurpettai & Post, Melmalaiyanur Taluk
Villupuram District – 604 201.

.... Petitioner

Vs

- 1.The Government of Tamil Nadu
Rep by its Principal Secretary to Government
School Education Department
Fort St.George, Chennai – 600 009.
- 2.The Director of Elementary Education
College Education, Chennai – 600 006.
- 3.The District Educational Officer
Gingee, Villupuram District.
- 4.The Block Educational Officer
Melmalaiyanur Panchayat Union
Melmalaiyanur, Villupuram District.

... Respondents



Prayer: Writ Petition filed under Article 226 of Constitution of India seeking to issue Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed of the 2nd respondent made in his proceedings in Na.Ka.No.2200/C2/2010, dated 23.07.2010 in so far as it denies arrears of pay and the impugned order of the 3rd respondent made in his proceedings in Na.Ka.No.1884/Aa1/2021, dated 27.12.2021 and quash the same and direct the respondents to grant arrears of pay in respect of pay fixation done under the G.O.Ms.No.207, School Education (G2) Department, dated 30.09.2008 to the petitioner and pass orders.

For Petitioner : Mr.A.S.Kaizer

For Respondents : Mr.P.Ananda Kumar
Government Advocate for R1 to R4

ORDER

The above writ petition is filed for the following relief :

“ To issue Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed of the 2nd respondent made in his proceedings in Na.Ka.No.2200/C2/2010, dated 23.07.2010 in so far as it denies arrears of pay and the impugned order of the 3rd respondent made in his proceedings in Na.Ka.No.1884/Aa1/2021, dated 27.12.2021 and quash the same and direct the respondents to grant arrears of pay in respect of pay fixation done under the G.O.Ms.No.207, School Education (G2)



W.P.No.1407 of 2022

Department, dated 30.09.2008 to the petitioner”

WEB COPY

2. The case of the petitioner is that he was appointed as Secondary Grade Assistant Teacher on 01.06.1974 . Thereafter, he was promoted as Elementary School Headmaster on 11.12.1995 and had superannuated on 28.02.2008.

3. Before delving into the facts of the case in detail, it may be relevant to refer to the various Government Orders relating to pay fixation, relied upon by the writ petitioner and also the writ petitions filed before this Court challenging the said G.O.s.

4. The Government of Tamil Nadu by G.O.Ms.No.238, School Education (E2) Department, dated 26.06.1998 had directed that the B.T. Assistants working in High School are entitled to count their Selection Grade Secondary Grade Teachers service, for the purpose of pay fixation in the post of B.T. Assistant in Selection and Special Grade Scale of Pay on par with G.O.Ms.No.210 Personnel and Administrative Reforms (Pers) Department, dated 13.03.1987. This G.O.Ms.No.210 provides a concession that if the Selection Grade scale of pay of lower post is identical with the Ordinary Grade scale of pay of the promoted posts, then the services rendered in the Selection



W.P.No.1407 of 2022

Grade scale of pay of the lower post can be counted and pay can be fixed in Selection Grade scale of pay of higher post.

WEB COPY

5. After several representations and correspondences with the Department, the Government of Tamil Nadu issued G.O.Ms.No.212 dated 07.08.2000, extending the benefit of G.O.Ms.No.210 dated 13.03.1987 and G.O.Ms.No.238, dated 26.06.1998 to the Elementary School Headmasters in the Elementary Schools. This Government Order was issued with a rider that it would be subject to the result of the writ petitions in W.P.No.8896 of 1994 & etc., batch pending before this Court, *inter alia* which was filed challenging the G.O.Ms.No.300 dated 07.04.1994. In the aforesaid G.O.Ms.No.300, it was directed that the service in the post of Elementary School Headmaster alone should be taken into account for Selection Grade and Special Grade Pay for Elementary School Headmasters, and this was contrary to G.O.Ms.No.1381 dated 05.10.1990. In G.O.Ms.No.1381 dated 05.10.1990, the Government has directed that the services in Secondary Grade Teachers and Elementary School Headmasters can be taken together for Selection and Special Grade pay in respect of Secondary Grade Teachers who are in the position of Elementary School Headmaster as on 01.06.1988.



W.P.No.1407 of 2022

WEB COPY

6. By an order dated 18.04.2001 in W.P.No.8896 of 1994 etc. batch, this Court had remitted the matter back to the Government for re-fixing the pay of Elementary School Headmasters, by holding that the Government should protect the scale of pay of Elementary School Headmasters.

7. In pursuance to the order of this Court in W.P.No.8896 of 1994 & etc., batch, the Government of Tamil Nadu issued G.O.Ms.No.185 dated 16.12.2002. This G.O.Ms.No.185 was subsequently challenged by the Elementary School Headmasters (who were holding the posts as on 01.06.1988) before this Court in a batch of writ petitions, on the ground that they were denied of the benefits in G.O.Ms.No.1381 dated 05.10.1990. During the pendency of the said writ petitions, the Government of Tamil Nadu issued G.O.Ms.No.160 dated 23.08.2005, *inter alia* restoring the benefits provided in G.O.Ms.No.1381 dated 05.10.1990 and conferred the same on the Elementary School Headmasters, holding the posts as on 01.06.1988. Consequently, the writ petitions filed challenging the G.O.Ms.No.185, were dismissed as infructuous.



WEB COPY

8. The petitioner would submit that though the post of B.T. Assistant and Elementary School Headmaster carry the same scale of pay, the benefit of G.O.Ms.No.238 was not extended to Elementary School Headmaster working in the Elementary Section under the same Department.

9. The petitioner would submit that despite the orders directing to grant Selection Grade and Special Grade scale of pay to the Elementary School Headmasters who were promoted after 01.06.1988, on par with G.O.Ms.No.212 of 07.08.2000, the District Level Officers had applied only G.O.Ms.No.38 dated 05.03.2001 and refused to apply G.O.Ms.No.212. This was challenged by Tamil Nadu Asiriyar Kootani in W.P.No.8079 of 2006, and by an order dated 28.04.2006, this Court had ordered that the Elementary School Headmaster, who were promoted after 01.06.1988 are entitled to fix their pay as per G.O.Ms.No.212, without reference to G.O.Ms.No.38 dated 05.03.2001, however, this would be in accordance with G.O.Ms.No.185 dated 16.12.2002 (*inter alia* applicable to Headmasters of Elementary School who were holding the post of Elementary School Headmasters as on 01.06.1998) and G.O.Ms.No.160 dated 23.08.2005 (applicable to Headmasters who were promoted after 01.06.1988). By virtue of the said order, the Government of



W.P.No.1407 of 2022

Tamil Nadu issued G.O.Ms.No.207 dated 30.09.2008, in which, a special decision is taken by the Government to fix and grant Selection and Special Grade scale of pay and pension, without reference to G.O.Ms.No.38 dated 05.03.2001.

10. The grievance of the petitioner is that he was promoted to the post of Elementary School Headmaster on 11.12.1995, which is after 01.06.1988. Therefore, he is entitled to pay fixation under G.O.Ms.No.207 dated 30.09.2008. Subsequently, he was superannuated on 28.02.2008. Thereafter, the then Assistant Elementary Educational Officer, by proceedings dated 24.12.2012, has revised the petitioner's pay and fixed the same as per G.O.Ms.No.207 dated 30.09.2008 and accordingly, the petitioner was granted Special Grade scale of pay in the post of Elementary School Headmaster. The Accountant General has also sanctioned the revised pension on 08.04.2013. However, the petitioner was granted only arrears of pension and not the arrears of pay. Therefore, the petitioner has sent representations to the respondents requesting them to grant arrears of pay. However, to his shock, by impugned order dated 27.12.2021, the third respondent turned down his claim for arrears of pay, referring to an internal clarification between the authorities. Challenging the said impugned order, the petitioner is before this Court.



WEB COPY

11. The petitioner would contend that the respondents cannot restrict the benefits of the Government orders only to the revised pension arrears without arrears of pay. The Government Order clearly stipulates that the pay has to be fixed and pension has to be revised. The logical consequence is that the Government servant would be entitled to arrears of pay as well as arrears of pension. The petitioner would submit that similarly placed persons have filed writ petitions in W.P.No.20706 of 2010, W.P.No.11739 of 2011 and W.P.No.13747 of 2011, challenging the proceedings of the Director of Elementary Education dated 23.07.2010, and this Court had quashed the said proceedings by orders dated 05.08.2011, 17.11.2011 and 16.08.2013 respectively, and held that the Elementary School Headmasters are entitled for arrears of pay as well as arrears of pension as per the pay fixation done under G.O.Ms.No.207, dated 30.09.2008. Similarly, in W.P.No.25001 of 2012, this Court by order dated 11.11.2014, had once again reiterated the position. Therefore, the writ petitioner would submit that he cannot be singled out.

12. A common counter affidavit has been filed by the third respondent stating that the impugned orders of the second and third respondents have been



passed based on the orders passed in G.O.Ms.No.207, dated 30.09.2008. The petitioner herein without challenging the said G.O.Ms.No.207 dated 30.09.2008, had filed the present writ petition, seeking to quash the orders impugned herein, as not maintainable either in law or on facts. The respondents would further submit that the order impugned in the writ petition is only the proceedings of the Director of Elementary Education, the second respondent herein to the District Elementary Educational Officer, the third respondent to initiate disciplinary proceedings against the Assistant Elementary Educational Officers, for wrongly paying the arrears by not following the G.O.Ms.No.207 dated 30.09.2008. This G.O., is not applicable to the writ petitioner and therefore, the writ petitioner has no *locus standi* to challenge the same. However, the third respondent would reiterate that a reading of paragraph No.7 of G.O.Ms.No.207, clearly clarifies that it is applicable only to pensionary benefits. Therefore, the contention of the petitioner is absolutely erroneous. Hence, they sought for a dismissal of the writ petition.

13. Heard the learned counsel on either side and this Court also perused the materials placed before it.

14. The impugned orders have been passed on the premise that as per



W.P.No.1407 of 2012

G.O.Ms.No.207, School Education (G2) Department, dated 30.09.2008, the Headmasters of Primary School are entitled to grant of Selection Grade and Special Grade pension benefits and consequently, their pay has to be fixed accordingly and retirement benefits have to be granted. Further, the impugned letter of the second respondent dated 23.07.2010 would show that the petitioner is not entitled to arrears of pay and other retirement benefits. The said G.O.Ms.No.207 dated 30.09.2008, was the subject matter of challenge in several writ petitions filed before this Court and one such writ petition is W.P.No.25001 of 2012. In this writ petition, the writ petitioners therein have sought to quash the proceedings of the second respondent dated 23.07.2010 in Na.Ka.No.2200/C2/2100 (which is also impugned herein) and to direct the respondents to grant arrears of pay in respect of pay fixation done under G.O.Ms.No.207 School Education (G2) Department, dated 30.09.2008. The learned Judge in his order dated 11.11.2014, has referred to G.O.Ms.No.207, School Education (G2) Department, dated 30.09.2008, G.O.Ms.No.185, School Education Department, dated 16.12.2002 and G.O.Ms.No.160, School Education Department, dated 23.08.2005 and held that the aforesaid G.Os are to be followed and had also directed the respondents to extend the benefit of counting the service of Secondary Grade Teacher for grant of Selection Grade and Special Grade in the post of Primary School Headmasters and the pay has



to be fixed accordingly and the retirement benefits also have to be granted to the Primary School Headmasters who were promoted after 01.06.1988. The learned Judge upon considering various Government Orders and the earlier judgments of this Court, has ultimately passed the following order :

“ 65. For all the aforesaid reasons, the writ petition is allowed and the proceeding dated 23.07.2010 in Na.Ka.No.2200/C2/2010 of the second respondent is quashed and a direction is issued to the respondents to extend the benefit of counting the service of Secondary Grade Teacher for grant of Selection Grade and Special Grade in the post of Primary School Headmaster with monetary benefits to the persons who were promoted after 01.06.1988, if those teachers joined prior to 01.06.1988 without reference to the date of promotion as Primary School Headmaster and without driving them to this Court to obtain an order in their favour and also a direction is issued to the respondents to pay the monetary benefits, i.e., arrears of pay to the petitioners, pursuant to the grant of Special Grade in the post of Primary School Headmaster with effect from 01.07.1994, 14.01.1999 and 07.11.1992 by the fourth respondent in the proceeding dated 07.01.2012, 27.01.2012 and 10.02.2012 respectively, within a period of eight weeks from the date of receipt of a copy of this order.”



15. Therefore, the issue relating to the entitlement of the Primary School Headmasters who have been promoted after 01.06.1988 for grant of Selection Grade and Special Grade in the post of Primary School Headmaster, is no longer *res integra*.

16. The order in W.P.No.25001 of 2012 was not further challenged and therefore, it has become final. Thereafter, yet another writ petition in W.P.No.22889 of 2015 has been filed before this Court, in which, the petitioners therein have sought for a similar relief of quashing the said impugned order dated 23.07.2010 as in W.P.No.25001 of 2012, and this Court by order dated 29.07.2015, upon relying on the earlier order passed in W.P.No.25001 of 2012, had quashed the said impugned order and directed the respondents to grant arrears of pay in respect of pay fixation done under G.O.Ms.No.207, School Education (G2) Department, dated 30.09.2008 to the petitioners therein and the said exercise was directed to be completed within a period of twelve weeks.

17. Further, a Division Bench of this Court in its judgment in W.A.2857 of 2019 & etc., batch, has once again confirmed the order passed in W.P.No.25001 of 2012. The Bench has observed as follows :



WEB COPY

“18. As has been narrated herein above, the issue raised in this batch of cases is no more *res integra*. The benefits which are to be conferred for those who earned the promotion as Primary School Headmaster after the cut-off date i.e. 01.06.1988 also have been extended to them by virtue of G.O.Ms.No.207 and the import of G.O. has already been quoted herein above.

19. However, diagonally opposite to the said import of the G.O., an interpretative proceeding was issued by the Director of School Education Department dated 23.07.2010, when it was questioned, it was rightly held by this Court right from 2012 that, the said proceedings is not in consonance with the said G.O. (Ms).No.207, therefore those who were promoted as Primary School Headmasters after 01.06.1988 are entitled to get such benefit by virtue of G.O.(Ms).No.207 and such benefits seems to have been conferred to some of them.

20.

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 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 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.”



WEB COPY



W.P.No.1407 of 2022

P.T. ASHA, J,

ds

W.P.No.1407 of 2022

03.12.2025