



W.P. No.15441 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

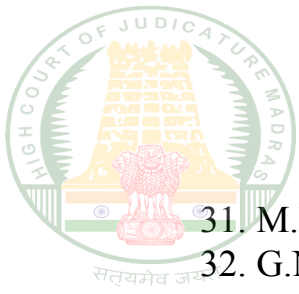
**DATED : 18.06.2025**

CORAM :

**THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR**

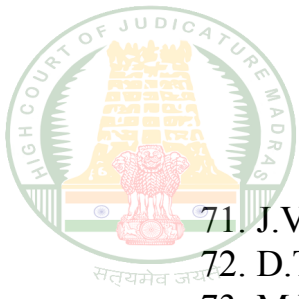
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1. M.Madan
2. C.Krishnan
3. A.Jaya Arokiasamy
4. A.Sagitha Begam
5. K.Saroja
6. G.Kesavan
7. G.Rajendiran
8. S.Ganapathy
9. S.Aptha Begam
10. D.Nagalingam
11. K.Abdul Rasith
12. G.Amalarpavam
13. R.Chandran
14. R.K.Sigamani
15. K.B.Raman
16. S.Rathinam
17. P.Kuppusamy
18. R.Nallaiyan
19. K.Marimuthu
20. M.Murugesan
21. S.Muniraj
22. I.Urkalan
23. Murugesan
24. R.Varadarasan
25. V.Ekambaram
26. T.Shanmugam
27. S.Ramar
28. S.P.Shanmugam
29. L.Venkatesan
30. N.Subramaniyan



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31. M.Vekatesaiah
32. G.Narayana Reddy
33. K.E.S.Brunda Kumar
34. A.Kothanda Ramaiah
35. M.Munirathnappasetty
36. K.Alimelamma
37. N.Sathyanarayana
38. K.Sreenivasalu Naidu
39. T.Gopalappa
40. V.Rajareddy
41. M.Kalliappan
42. G.V.Pappaiah
43. H.N.Balakrishnamurthy
44. B.N.Nanjundappa
45. G.Chellammal
46. R.Balakrishnan
47. K.Suriyagandhi
48. V.S.Kanniappan
49. M.Ragothaman
50. P.Krishnamoorthy
51. S.Jagadeesan
52. R.Jayapalan
53. M.Gopalakrishnan
54. K.Sarthar Beig
55. P.J.Janakiraman
56. G.Eagambaram
57. P.M.Chinnakannan
58. P.Jagadeesan
59. Manivannan
60. D.Joseph
61. N.L.Natesan
62. P.N.Rangasamy
63. P.Manimegalai
64. P.Athoyee
65. N.Muthusamy
66. P.Kumarasamy
67. A.Kannammal
68. A.Rajarathinam
69. A.Periyasamy
70. Mohamed Jaguruddin



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71. J.Vilsonmanickam

72. D.Thanjappan

73. M.Natesan

... Petitioners

Vs.

1. The Government of Tamilnadu,  
Rep. By the Principal Secretary,  
School Education Department,  
Fort. St. George, Chennai – 600 009.
2. The Director of Elementary Education,  
College Road, Nungambakkam,  
Chennai – 600 006.
3. The District Elementary Education Officer,  
Krishnagiri, Krishnagiri District.
4. The District Elementary Educational Officer,  
Salem, Salem District.
5. The District Elementary Education Officer,  
Vellore, Vellore District.
6. The District Elementary Education Officer,  
Namakkal, Namakkal District.
7. The Assistant Elementary Educational Officer,  
Krishnagiri, Krishnagiri District.
8. The Assistant Elementary Educational Officer,  
Hosur, Krishnagiri District.
9. The Assistant Elementary Educational Officer,  
Bargur, Krishnagiri District.
10. The Assistant Elementary Educational Officer,  
Salem (Rural), Salem District.



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11. The Assistant Elementary Educational Officer,  
Alangayam, Vellore District.

12. The Assistant Elementary Educational Officer,  
Thimiri, Vellore District.

13. The Assistant Elementary Educational Officer,  
Rasipuram, Namakkal District.

14. The Assistant Elementary Educational Officer,  
Kadayampatti, Salem District.

15. The Assistant Elementary Educational Officer,  
Nemili, Vellore District.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in his proceeding bearing letter No.38392/நீ.உ.2(1)/2013, dated 31.12.2013 and quash the same and consequently direct the respondents to count the petitioners service rendered in the Higher Grade post along with Secondary Grade post for awarding Selection Grade / Special Grade / Special Grade pay and revise the pensionary benefits of the petitioners.

For Petitioners : Mr.J.Muthukumaran for  
Mr.V.Thirupathi

For Respondents : Mr.P.Kumaresan,  
Additional Advocate General  
assisted by Ms.Akila Rajendran



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## **ORDER**

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This Writ Petition has been filed to call for the records relating to proceeding of the first respondent in letter No.38392/நீ.வ.2(1)/2013, dated 31.12.2013 and quash the same and consequently direct the respondents to count the petitioners service rendered in the Higher Grade post along with Secondary Grade post for awarding Selection Grade / Special Grade / Special Grade pay and revise the pensionary benefits of the petitioners accordingly.

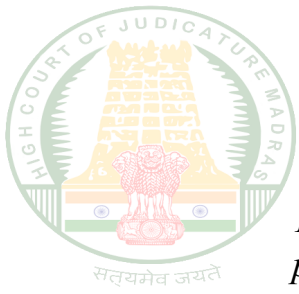
2. The petitioners herein who were initially appointed as Higher grade teachers during the period from 1967 to 1970, were all promoted to Secondary grade teachers subsequently, within a period of three to four years of their service and thereafter all the petitioners herein have retired from service on attaining the age of superannuation during the years 2001 and 2007. It was thereafter in the year 2009, the petitioners on coming to know that certain other similarly situated persons who were initially appointed as Higher Grade Teachers / Junior Grade Secondary Grade Teachers have made a claim for counting of the service rendered by them in the post of Higher Grade Teachers as service in the post of secondary grade teacher and got relief from this Court in the year 2009, the



petitioners started making a similar claim by submitting the representation for the first time in the year 2009. The said representation was considered by the respondents and the same was rejected by passing an order dated 31.12.2013 which is impugned in these Writ Petitions. Thus, it is evident that the relief that was sought for in the present Writ Petitions relates back to the period 1970-1974, i.e., about three decades old. Though the petitioners have cause of action for making such a claim as early as during 1970s, no such claim was made by the petitioners and they also retired from service during the years 2001-2007. It is only on coming to know about the relief granted to certain similarly placed persons, the petitioners started making such claim.

3. An identical matter came up for consideration before two different benches of this Court in W.P.Nos.24047 to 24050 of 2015 and W.P.No.1879 of 2017 wherein the coordinate benches have come to the conclusion that the relief sought for in the said Writ Petitions is suffering from laches and declined to entertain the same. In W.P.No.24047 to 24050 of 2015 it is observed as under:

*7. Beyond the facts and circumstances, the petitioners were admittedly appointed as Higher Grade Teachers during the years 1963, 1964, 1965, 1966, 1967, 1968, 1969,*



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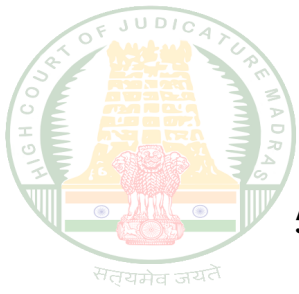


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1970, 1973, 1977 and 1983 respectively and they were promoted to the post of Secondary Grade Teachers during the years 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974 and 1978 respectively. They were further promoted to the post of Elementary School Headmasters and retired. They have approached this Court only after retirement and more so, after a lapse of several years. Thus, the petitioners have slept over their right and now approaching the Court belatedly. Thus, the writ petitions are liable to be rejected even on the ground of laches. On merits also, the petitioners have not established that they are entitled for the retrospective benefit of counting the period of services rendered by them in the post of Higher Grade Services. They were promoted to the post of Secondary Grade Teachers long back during the years 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974 and 1978 respectively and thus, the claim at this length of time deserves no merit consideration.

4. Similarly, in W.P.No.1879 of 2017, it is observed as under:

3. It is complained by the respondents in their counter affidavit that this claim has been made by the petitioner nearly after 30 years after the introduction of G.O.Ms.No.345, dated 15.09.1998 and after 10 years after the date of his retirement from service. Probably the petitioner has obtained ideas from some of his colleague who have benefited. But the petitioner having slept over for 40 years, cannot be now granted such privilege that too, for a period of just three months. He should be satisfied with the services he has rendered as teacher and to gain more satisfaction, it would be advisable that he goes over to some Children Home or Senior Citizen Home and educate the children who are there in the Children Home about his experiences and shares his experiences with the senior citizens. That would be more satisfying than initiating a litigation seeking additional pay for three months.



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5. This Court does not see any reason to take a different view from the view already taken by the coordinate benches of this Court. In the light of above, this Writ Petition is dismissed on the ground of delay and laches. No costs.

**18.06.2025**

Index : Yes/No  
Speaking Order : Yes/No  
Neutral Citation : Yes / No  
vum

To:

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School Education Department,  
Fort. St. George, Chennai – 600 009.
2. The Director of Elementary Education,  
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**MUMMINENI SUDHEER KUMAR,J.,**

vum

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**18.06.2025**