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W.P.No.2981, 2987, 2988 & 2991 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.Nos.2981, 2987, 2988 & 2991 of 2022

[WP.No.2981 of 2022]

R.Sankar Rajaa

... Petitioner

Vs.

1.The State Of Tamil Nadu
Rep By Its Secretary To Government,
School Education Department, Secretariat, Chennai.

2.The Director Of Elementary Education
Chennai.

3.The District Educational Officer
Tiruppur, Tiruppur District.

4.The Block Educational Officer
Palladam, Tiruppur District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, Calling for the records pertaining to the order passed by the 4th respondent in his proceedings in Na.Ka.No. 600/A2/2021 dated 13.10.2021, and quash the same and direct the respondents to sanction the personal of pay of Rs.750/- to the petitioner notionally with effect from 01.01.2006 and monetary benefits with effect from 01.01.2011 as per G.O.Ms No.23 Finance (Pay
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Cell) Department dated 12.01.2011.

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For Petitioner : Mr.V.Sivalingam for
M/s.C.S.Associates

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

[WP.No.2987 of 2022]

P.Vijaya

... Petitioner

Vs.

1.The State Of Tamil Nadu
Rep By Its Secretary To Government, School Education Department,
Secretariat, Chennai.

2.The Director Of Elementary Education
Chennai.

3.The District Educational Officer
Ulundurpettai, Kallakurichi District.

4.The Head Master, Government Girls Higher Secondary School
Elavanasurkottai, Ulundurpettai Taluk
Kallakurichi District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, Calling for the records pertaining to the order passed by the 4th respondent in his proceedings in Na.Ka.No. 80/2021-22 dated 15.11.2021, and quash the same and direct the respondents to sanction the personal pay of Rs.750/- to the petitioners notionally with effect from 01.01.2006 and monetary benefits with effect from 01.01.2011 as per G.O.Ms No.23 Finance (Pay Cell) Department dated 12.01.2011.



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For Petitioner : Mr.V.Sivalingam
for M/s.C.S.Associates

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

[WP.No.2988 of 2022]

A.Sakthivel

... Petitioner

Vs.

1.The State Of Tamil Nadu
Rep By Its Secretary To Government, School Education Department,
Secretariat, Chennai.

2.The Commissioner of School Education Chennai

3.The District Educational Officer
Kallakurichi, Kallakurichi District.

4.The Head Master, Government Higher Secondary School
M.Kunnathur, Ulundurpettai Taluk
Kallakurichi District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, Calling for the records pertaining to the order passed by the 4th respondent in his proceedings in Na.Ka.No. 164/2021 dated 23.11.2021, and quash the same and direct the respondents to sanction the personal pay of Rs.750/- to the petitioners notionally with effect from 01.01.2006 and monetary benefits with effect from 01.01.2011 as per G.O.Ms No.23 Finance (Pay Cell) Department dated 12.01.2011.



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For Petitioner : Mr.V.Sivalingam
for M/s.C.S.Associates

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

[WP.No.2991 of 2022]

K.Vellaiappan

... Petitioner

Vs.

1.The State Of Tamil Nadu
Rep By Its Secretary To Government, School Education Department,
Secretariat, Chennai.

2.The Director Of Elementary Education
Chennai.

3.The District Educational Officer
Tiruppur, Tiruppur District.

4.The Block Educational Officer
Pongalur, Thiruppur District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, Calling for the records pertaining to the order passed by the 4th respondent in his proceedings in Na.Ka.No. 1067/A1/2021 dated 23.12.2021, and quash the same and direct the respondents to sanction the personal of pay of Rs.750/- to the petitioner notionally with effect from 01.01.2006 and monetary benefits with effect from 01.01.2011 as per G.O.Ms No.23 Finance (Pay Cell) Department dated 12.01.2011.



W.P.No.2981, 2987, 2988 & 2991 of 2022

For Petitioner : Mr.V.Sivalingam
for M/s.C.S.Associates

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

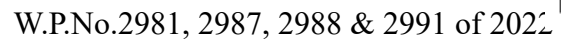
COMMON ORDER

WP.No.2981 of 2022 has been filed for the following reliefs:-

“ Calling for the records pertaining to the order passed by the 4th respondent in his proceedings in Na.Ka.No. 600/A2/2021 dated 13.10.2021, and quash the same and direct the respondents to sanction the personal of pay of Rs.750/- to the petitioner notionally with effect from 01.01.2006 and monetary benefits with effect from 01.01.2011 as per G.O.Ms No.23 Finance (Pay Cell) Department dated 12.01.2011.”

2. WP.No.2987 of 2022 has been filed for the following reliefs:-

“ Calling for the records pertaining to the order passed by the 4th respondent in his proceedings in Na.Ka.No. 80/2021-22 dated 15.11.2021, and quash the same and direct the respondents to sanction the personal pay of Rs.750/- to the petitioners notionally with effect from 01.01.2006 and monetary benefits with effect from 01.01.2011 as per G.O.Ms No.23 Finance (Pay Cell) Department dated 12.01.2011.”



“Calling for the records pertaining to the order passed by the 4th respondent in his proceedings in Na.Ka.No. 164/2021 dated 23.11.2021, and quash the same and direct the respondents to sanction the personal pay of Rs.750/- to the petitioners notionally with effect from 01.01.2006 and monetary benefits with effect from 01.01.2011 as per G.O.Ms No.23 Finance (Pay Cell) Department dated 12.01.2011.”

“Calling for the records pertaining to the order passed by the 4th respondent in his proceedings in Na.Ka.No. 1067/A1/2021 dated 23.12.2021, and quash the same and direct the respondents to sanction the personal of pay of Rs.750/- to the petitioner notionally with effect from 01.01.2006 and monetary benefits with effect from 01.01.2011 as per G.O.Ms No.23 Finance (Pay Cell) Department dated 12.01.2011.”

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6. The petitioners were appointed as Secondary Grade Teachers between the periods 2000 to 2004. Thereafter, they have been appointed as BT Assistants/Elementary School Head Master. The following tabulated statement will provide the details:-

S.No.	Name of the Petitioner.	Date on which appointed as Secondary Grade Teacher	Date on which promoted as BT Assistant
1.	R.Sankar Rajaa	21.12.2000	02.06.2008
2.	A.Sakthivel	19.10.2004	02.08.2010
3.	P.Vijaya	09.02.2001	25.08.2010
4.	K.Vellaiappan	17.01.2002	17.08.2015 (Earlier on 03.06.2009, promoted as Elementary School Head Master)

7. The facts common to all the four Writ Petitions are that, as per the recommendation of the Finance Committee, the revision of scale of pay and allowances were effected in accordance with the VI Pay Commission recommendations issued in G.O. Ms. No. 234, Finance (Pay Cell) Department, dated 01.06.2009.. The recommendation was deemed to have come into force notionally from 01.07.2006 and with monetary benefit from 01.01.2007. Since there was an anomaly in pay fixation for Secondary Grade Teachers, a request was made to rectify the pay anomaly. Accepting



this request, the Government had appointed a One Man Commission to rectify the pay anomalies. The One Man Commission submitted its report to the Government and on the basis of this report the Government had issued GO.Ms.No.270, Finance (Pay Cell) Department dated 26.08.2010 granting Rs.500/- as Special Allowance notionally with effect from 01.01.2006 and monetary benefits with effect from 01.08.2010. The grant of Rs.500/- as Special Allowance did not assuage the grievance of the Secondary Grade Teachers and pay anomalies continue.

8. The Secondary Grade Teacher Association thereafter made representation to the Government to rectify the anomalies and addressed their grievances. Thereafter, the Government had issued an order in GOMs.No.23, Finance (Pay Cell) Department dated 12.01.2011 granting Personal Pay of Rs.750/- by enhancing the Special Allowance of Rs.500/-. This benefit was given notionally with effect from 01.01.2006 and monetary benefit with effect from 01.11.2011.

9. The authorities had granted the benefits to the Secondary Grade Teachers by implementing the above Government Orders. However, when these teachers were promoted as Middle as well as Elementary School Headmaster/BT Assistants, the Personal Pay was cancelled. Therefore, the

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scale of pay was reduced in the promotional cadre and their juniors were receiving a higher scale of pay. Therefore, a clarificatory letter came to be issued by the Government dated 18.04.2012 wherein it was stated that when they fixed the scale of pay to the promotional post, the Personal Pay of Rs.750/- has to be added with the Basic Pay and thereafter the Personal Pay cannot be continued. Consequently, all the teachers which were promoted are entitled to get the benefits of Rs.750/- as Personal Pay with effect from 01.01.2006.

10. Thereafter, the Audit Department made an objection to the fixation and therefore another clarificatory letter dated 23.03.2016 came to be issued clarifying that the Personal Pay would be calculated along with the Basic Pay while fixing the pay for the promotional posts and proceedings dated 15.04.2016 to this effect has been issued by the Directorate of Elementary Education. Therefore, there is no dispute to the grant of the Personal Pay of Rs.750/-. However, the petitioners were not sanctioned the Personal Pay as per the Government Orders. Aggrieved by the same, the teachers had jointly filed WP.(MD).No.16800 of 2015 and by order dated 11.02.2020, the same was directed to be implemented.

11. Thereafter, enclosing a copy of the order passed in
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WP.MD).No.16800 of 2015, the petitioners had made a request for grant of Personal Pay of Rs.750/- as per G.O.Ms.No.23 (Finance Cell) Department dated 12.01.2011 which has been turned down by the 4th respondent through the impugned orders dated 13.10.2021, 15.11.2021, 23.11.2021 & 23.12.2021. Challenging the same, the petitioners are before this Court.

12. The respondents have by and large admitted the facts preceding the issue of GO.Ms.No.270, Finance (Pay Cell) Department dated 26.08.2010 and G.O.Ms.No.23 (Finance Cell) Department dated 12.01.2011. They would contend that in the letter dated 18.04.2012, the Government had issued the following clarification:-

(1) The ordinary grade Secondary Grade Teachers, other equivalent teacher, High School Headmaster working as on 01.01.2011 alone would be eligible for Personal Pay of Rs.750/-. Teachers reaching Selection Grade after 01.01.2011, in the said post would be entitled to one increment of 3%.

(2) The Personal Pay of Rs.750/- will be calculated for DA, Pension and other future increments and if the teachers are promoted, the Personal Pay of Rs.750/- would be taken into account for fixation of pay in the higher post.



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13. The contention of the respondents is that on the date of the issuance of GO.Ms.No.23 Fiance (Pay Cell) Department dated 22.01.2011, the petitioners were working on a higher posts. Therefore, the petitioners are not entitled to the Personal Pay of Rs.750/-. They would also contend that the Government Letter dated 18.04.2012 will not be applicable to the petitioners since the petitioners were appointed as BT Assistant/ Elementary School Head Master before the sanctioning of Rs.750/- as Personal Pay which had been sanctioned on 01.01.2011. Therefore, the respondents sought to have the Writ Petitions dismissed.

14. Heard the counsel on either side and perused the records.

15. The entire dispute resolves around the above said two Government Orders, namely, GO.Ms.No.270, Finance (Pay Cell) Department dated 26.08.2010 and G.O.Ms.No.23 (Finance Cell) Department dated 12.01.2011. as well as Government Letters dated 18.04.2012 & 22.03.2016. GO.Ms.No.270, Finance (Pay Cell) Department dated 26.08.2010 which clearly provides for the grant of Special Allowance of Rs.500/- per month to the Secondary Grade Teachers. The said allowance was also sanctioned to High School Headmasters. The said Government Order made it clear that it would come into effect notionally



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from 01.01.2006 and the monetary benefit would start from 01.08.2010.

G.O.Ms.No.23 (Finance Cell) Department dated 12.01.2011 was issued which enhances the Personal Pay as Rs.750/-. This benefit was given notionally with effect from 01.01.2006 and the monetary benefit with effect from 01.11.2011.

16. Admittedly, when the Government Orders were given notional effect from 01.01.2006, the petitioners were appointed and functioning as Secondary Grade Teachers. The taking effect of the Government Order has not changed and in any of the Government Orders, be it, GO.Ms.No.270, Finance (Pay Cell) Department dated 26.08.2010 or G.O.Ms.No.23 (Finance Cell) Department dated 12.01.2011. However, in G.O. Ms. No.23, Finance (Pay Cell) Department, dated 12.01.2011, the monetary benefits, which under G.O. Ms. No. 270 were to commence from 01.08.2010, were deferred to 01.01.2011.

17. The petitioners have all been promoted as BT Assistants on 02.06.2008, 25.08.2010, 02.08.2010 and 17.08.2015 respectively. Therefore, in view of G.O. Ms. No. 23, Finance (Pay Cell) Department, dated 12.01.2011, the petitioner in WP.Nos.2981, 2987 and 2988 of 2022 would be entitled to notional fixation of the special allowance of Rs.750/-

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with effect from 01.01.2006 till the date on which they had been promoted as BT Assistant and the petitioner in WP.No.2991 of 2012 is entitle to the Special Allowance till 02.06.2009.

18. In view of the above, these Writ Petitions are disposed of with the following directions:-

i) Impugned orders passed by the 4th respondent dated 13.10.2021, 15.11.2021, 23.11.2021 & 23.12.2021 are set aside.

ii) The petitioners in WP.No.2981, 2987 & 2988 of 2022 are entitled to notional fixation of the Special Allowance of Rs.750/- with effect from 01.01.2006 till the date on which they had been promoted as BT Assistant.

iii) The Petitioner in WP.No.2991 of 2022 is entitled to notional fixation of the Special Allowance of Rs.750/- with effect from 01.01.2006 till 02.06.2009.

19. There shall be no order as to costs.

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(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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To

- 1.The State Of Tamil Nadu
Rep By Its Secretary To Government,
School Education Department, Secretariat, Chennai.
- 2.The Director Of Elementary Education
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P.T. ASHA. J.,

(shr)

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