



WEB COPY

WP No. 21612 of 2013



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-10-2025

CORAM

THE HONOURABLE MR.JUSTICE K. SURENDER

**WP No. 21612 of 2013
and M.P.Nos.1 and 2 of 2013 and 1 of 2014**

S.K.Gopalakrishnan

...Petitioner

Vs

1. The Government Of Tamilnadu
Rep. By Secretary To The Government
School Education Department,
Fort St. George, Chennai-9.

2.The Director Of Elementary
Education, College Road, Chennai-6.

3.The District Elementary
Educational Officer,
Tiruppur District, Tiruppur.

4.The Assistant Elementary
Educational Officer, Uthukuli
Panchayat Union, Uthukuli,
Tiruppur District.

...Respondent(s)

PRAYER: This Writ Petition is filed under Article 226 of Constitution of India seeking Writ of Certiorarified Mandamus to call for the records of the 2nd respondent issued in Na. Ka. No.2200/C2/2010, dated 5.10.2010 and quash the same in so far as it denies arrears of pay and the consequential proceedings issued in Na. Ka. No.1922/ A1/2010 dated 8.3.2011 of the 4th respondent and issue a consequential direction to the respondents to release the 3rd instalment of VIIth Pay Revision of scales and the arrears of salary for the period of re-employment 31.7.2008 and 31.5.2009.

For Petitioner(s): Mr.R.Saseetharan



For Respondent(s): M/s.P.Raja Rajeshwari,
Government Advate for R1 To
R4

ORDER

This Writ Petition is filed challenging the impugned orders passed in Na.Ka.No.2200/C2/2010 dated 05.10.2010 by the second respondent and Na.Ka.No.1922/A1/2010 dated 08.03.2011, passed by the fourth respondent and for direction to the respondents to release the third installment of VII Pay Revision and salary arrears for the petitioner's re-employment period (31.07.2008 to 31.05.2009).

2. The brief facts of the case are that the petitioner was appointed as a Higher Grade Teacher on 31.12.1969. Subsequently, he was promoted as a Secondary Grade Teacher on 22.02.1971, and thereafter as a Primary School Headmaster on 14.10.1988. After attaining the age of superannuation, he retired from service on 31.07.2008. The grievance of the petitioner is that G.O.Ms.No.207 dated 30.09.2008 was incorrectly interpreted by the respondents, resulting in denial of the benefits of Special Grade and revised pay. Hence, the petitioner has preferred this Writ Petition.

3. The learned counsel for the petitioner submitted that the impugned orders are contrary to the judgment of the Hon'ble Division Bench of this Court in WA.No.2587 of 2019 and etc batch dated 13.07.2023, wherein it was held



that teachers promoted as Primary School Headmasters after 01.06.1988 are entitled to Selection Grade, Special Grade, and arrears. The learned counsel relied on aforementioned judgment, to substantiate his claim.

4. The Hon'ble Division Bench of this Court in WA.No.2587 of 2019 dated 13.07.2023, held that teachers promoted as Primary School Headmasters after 01.06.1988 are entitled to Selection Grade, Special Grade and arrears and the relevant portion of the judgment is extracted hereunder:

“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. Atleast against one judgment passed by the Writ

Court when intra-Court appeal was preferred before this Court by the appellant Department that was dismissed, of course, on the default ground against which no steps have been taken and this factor has been recorded by the Co-ordinate Bench in the decision dated 05.07.2023 in W.A.No.37



of 2018.

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.”



5. At this juncture, the learned Government Advocate appearing for the respondents submitted that the petitioner is entitled only for pensionary benefits and not the arrears.

6. The arguments advanced by the learned Government Advocate, cannot be accepted in view of the judgment of the Hon'ble Division Bench of this Court in W.A.No.2857 of 2019 and etc batch and the Writ Petition is deserves to be allowed.

7. Accordingly, this Writ Petition is allowed and the impugned orders in Na.Ka.No.2200/C2/2010 dated 05.10.2010 and Na.Ka.No.1922/A1/2010 dated 08.03.2011 are quashed. The respondents are hereby directed to release the third installment of VII Pay Revision and salary arrears for the petitioner's re-employment period (31.07.2008 to 31.05.2009) within a period of eight weeks from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

K.SURENDER, J.
07-10-2025
(1/3)

Jai
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



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K.SURENDER, J.
jai

To

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Rep. By Secretary To The Government
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