



WEB COPY

WP No. 19422 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-04-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

WP No. 19422 of 2018

1. N.Krishnamoorthy
S/o. Natesa Reddy, M.10, Kaveri Nagar,
Tiruchy Road, Namakkal - 637001

Petitioner(s)

Vs

1. Government of Tamil Nadu
Rep. by Secretary to Government,
School Education Department,
Secretariat, Chennai - 600009

2.The Director of Elementary
Education, Chennai - 6

3.The District Elementary
Educational Officer, Namakkal -
637001

4.The Assistant Elementary
Educational Officer, Paramathivelur,
Namakkal District

Respondent(s)



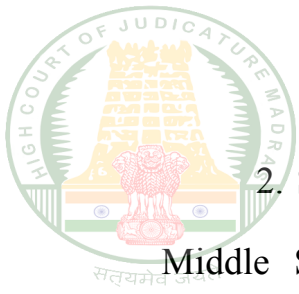
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records on the file of the 3rd respondent in connection with the impugned proceedings issued in O.Mu.No. 4010/ A1/ 2017 dated 21.09.2017 and quash the same and direct the 1st respondent to extend the benefits of G.O.Ms.No.210, School Education (G1) Department dated 14.08.2009 to the petitioner to revise his pensionary benefits of arrears of Pay from 1.6.1988 to 30.09.2011 and arrears of pension from 1.10.2011 till dated with interest.

For Petitioner(s): M/s.M.Ravi

For Respondent(s): Mrs.Rajarajeswari
Government Advocate

ORDER

This writ petition has been filed to call for the records on the file of the 3rd respondent in connection with the impugned proceedings issued in O.Mu.No. 4010/ A1/ 2017 dated 21.09.2017 and quash the same and direct the 1st respondent to extend the benefits of G.O.Ms.No.210, School Education (G1) Department dated 14.08.2009 to the petitioner to revise his pensionary benefits of arrears of Pay from 1.6.1988 to 30.09.2011 and arrears of pension from 1.10.2011 till date with interest. In short, the petitioner has filed this writ petition by claiming the benefit under G.O.Ms.No.210, School Education (G1) Department dated 14.08.2009.



2. Some persons who have been serving as B.T. Grade Head Masters in Middle Schools as on 01.06.1988 have preferred original application in O.A.No.3521/1997 before the erstwhile Tamil Nadu Administrative Tribunal praying to fix their pay in the special grade in the post of B.T.Grade Middle School Head Masters with effect from 01.06.1988 as per the recommendation of the 5th Pay Commission. The Tribunal has passed an order on 17.04.2002 directing the authorities to implement the said order. The above order was confirmed in the Writ Appeal in W.A.No.233/2008 dated 21.04.2008. In pursuant to the above order the Government has issued an order in G.O.Ms.No.210, School Education (G1) Department dated 14.08.2009, issuing orders in the case of 65 teachers alone granting the benefit as prayed by them and fixing their pay in Special Grade scale of pay of B.T. Grade Middle School Headmaster's post with effect from 01.06.1988. In view of the same the petitioners' previous service has been counted from 31.05.1988 while they were working in the post of Secondary Grade Teacher and Secondary Grade Headmaster. The said benefit was extended subsequent to G.O.Ms.No.230 School Education Department dated 10.08.2010 and G.O.Ms.No.146 School Education (G1) Department dated 19.06.2012.

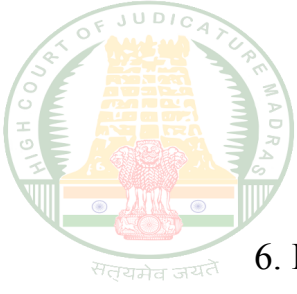
3. The petitioner claims that he is also similarly placed and he is entitled to count his services prior to 01.06.1998 i.e. from 16.03.1977 to 13.05.1998 as Secondary Grade Teacher and Secondary Grade Headmaster. The petitioner's representation has not been considered favourably and it was rejected on



21.09.2017 by way of passing the impugned order. In the order it is stated that though the petitioner was promoted as B.T.Assistant Middle School Head Master before 01.06.1988, he has retired from service on 31.09.1994 and as per the Government Order in G.O.Ms.No.146, School Education (G1) Department dated 19.06.2012, the petitioner is within the limit of eligibility.

4. Mrs.Rajarajeswari, the learned Government Advocate appearing for the respondents, submitted that the petitioner had joined the services on 20.12.1978 as Secondary Grade Teacher and she had not completed 10 years of service as on 01.06.1988. Hence the petitioner is not entitled to get the benefit under G.O.Ms.No.210, School Education (G1) Department dated 14.08.2009.

5. From the records it is seen that the petitioner has not completed 10 years of service as on 01.06.1988 and hence he cannot claim the benefits of G.O.Ms.No.210, School Education (G1) Department dated 14.08.2009. After considering the materials, the third respondent has rightly passed the impugned order by rejecting the representation of the petitioner. Though the petitioner had retired on 31.09.1994, he has filed this writ petition after a period of 24 years and hence the petition is affected due to delay and laches. As I do not find any reason to interfere with the decision of the third respondent, the writ petition is liable to be dismissed.



6. In the result, the writ petition is dismissed. No costs.

WEB COPY

25-04-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

bkn

To

1. The Secretary to Government, School
Education Department, Secretariat,
Chennai - 600009

2. The Director of Elementary
Education, Chennai - 6

3. The District Elementary
Educational Officer, Namakkal -
637001

4. The Assistant Elementary
Educational Officer, Paramathivelur,
Namakkal District



WEB COPY

WP No. 19422 of 2018



R.N.MANJULA J.

bkn

WP No. 19422 of 2018

25-04-2025