



W.A No. 371 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2025

CORAM

**THE HONOURABLE MR JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.A No. 371 of 2023 AND
CMP NO. 3589 OF 2023**

1. The Government Of Tamil Nadu
Rep by the Secretary to the
Government School Education
Department, Fort St George,
Chennai-600 009.
2. The Director of Elementary Education,
College Road, Chennai-600 006
- 3.The District Elementary Educational Officer
Kanyakumari District, Nagercoil
4. The Assistant Elementary Educational Officer
Thiruvattar, Kanyakumari District
5. The Assistant Elementary Educational Officer
Karungal, Kanyakumari District
6. The Assistant Elementary Educational Officer,
Thuckalay, Kanyakumari District
7. The Assistant Elementary Educational Officer,
Kuzhithurai, Kanyakumari District
8. The Assistant Elementary Educational Officer,
Nagercoil, Kanyakumari District

... Appellants



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Vs

1. D.Rajan,
2.K.Ayyapillai,
3.C.Ganapathi Asari
4.T.Natarajan Nadar,
5.P.V.Sountharam,
6.C.Thanka bai,
7.G.Maragatham,
8.Y.Selvaraj,
9.K.Sornammal
10.D.Stanislas,
11.G.Maria Arputham,
12.R.Rani Rejent Bai,
13.R.Kamala Bai,
14.P.Thankaiyan
15.V.Joseph,
16.The Accountant General
(Accounts and Entitlements)
Tamil Nadu 361, Anna Salai,
Chennai-600 018

... Respondents

PRAYER

Writ Appeal under Clause 15 of the Letters Patent to set aside the order dated 12.07.2021 made in WP.No.9001 of 2016.



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For Appellants : Mr.J.C.Durairaj
Additional Government Pleader

For Respondents : M/s.M.Sridhar
For RR 1,3 to 10, 12 and 14
R11 And R13 - Died
R15 and R16 - Served, No appearance

J U D G M E N T

(Judgment of the Court was made by R.Suresh Kumar J.)

This intra Court appeal has been directed against the order passed by the Writ Court dated 12.07.2021 made in W.P.No.9001 of 2016.

2. The respondents were the writ petitioners who were all Primary School Headmasters and they retired from service. They sought benefit as per G.O.Ms.No.207, School Education (G-2) Department dated 30.09.2008, whereby re-fixation of pay has been provided apart from re-fixation of pension. Therefore, the writ petitioners / respondents had claimed that they are also entitled to get the fixation of pay and for payment of arrears.

3. When this issue was taken up by the writ Court, the similar issue since has already been decided in W.P.No.2500 of 2012 in the matter of **S.Chandrasekaran and 2 Others -vs- The Government of Tamil Nadu, School Education Department** and the said decision has been



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followed by another decision of the Writ Court in **A.Dhandapani and Others -vs- The Government of Tamil Nadu and Others** passed in W.P.No.19150 of 2011, the import of the said decisions of the earlier writ Court were taken into account by the learned Judge in the present case and having extracted the earlier decisions, the learned Judge allowed the writ petition through the impugned order dated 12.07.2021.

4. Though the said order has been assailed in this appeal, the learned Additional Government Pleader has brought to our notice that, similar issue had been appealed in W.A.No.3083 of 2019 etc., batch in the matter of "**The Director of Elementary Education and two others -vs- S.Sankaran**", where, another Division Bench of this Court by order dated 10.07.2024 has confirmed the similar orders passed by the Writ Court by stating the following:

" 7. The Writ Court, in clear terms, directed the Director of Elementary Education to consider the claim of the respondents in light of the various Government Orders. Therefore, the Department has to ascertain the eligibility of the individual employees, whether those employees have already received the benefits or not and accordingly grant the benefits and by following due process.

8. The opinion of the Writ Court expressed is to grant benefits to the employees in accordance with the Government Orders, issued in G.O.Ms.No.207 dated



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30.09.2008 and the other Government Orders referred in the Writ order. More so, the Writ Court has issued directions to consider the case of all the employees. Therefore, the Authorities are empowered to scrutinize the eligibility and take a decision on merits and in accordance with law.

9. This being the scope of the Writ order, we do not find any reason to overturn the Writ order impugned. With the above clarifications, these writ appeals are disposed of. There shall be no order as to costs. Consequently, C.M.P.Nos.19623, 19652, 19704, 19707, 19750, 19755, 19783, 19787, 19711 and 19626 of 2019 are closed."

5. Learned counsel for the respondents would contend that, before the Writ Court itself counter had been filed by the appellant Department stating that the earlier orders giving such benefit under G.O.Ms.No.207 School Education (G-2) Department dated 30.09.2008 having been considered, was accepted and the benefit has been given to those retired headmasters. Therefore, the learned counsel for the respondents would submit that orders have been passed in number of cases by taking a consistent stand that the orders of this Court having been complied with and the Division Bench also, by order dated 10.07.2024 upheld one such order passed by the writ Court, there could be no further room for the appellants to successfully challenge the present impugned order, he contended.



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6. We have considered the submissions made by the learned counsel for both sides and have perused the materials placed on record.

7. As has been rightly pointed out by the learned counsel for the respondents, the issue has already been concluded in a number of decisions, at least in one Division Bench decision in **"The Director of Elementary Education and two others -vs- S.Sankaran"** as stated supra, where, the view taken by the writ court having been considered, was upheld by the Division Bench. Therefore, we do not see any reason to interfere with the similar view taken in the present writ petition also through the impugned order dated 12.07.2021.

8. Resultantly, the writ appeal fails and it is liable to be dismissed. Accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.SURESH KUMAR, J.) (A.D.MARIA CLETE, J.)
21-04-2025

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