



WEB COPY

WP No. 28891 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 28891 of 2018,

1. P.Kamalam,
Headmaster(Retd), No.215,
Teacher Thottam, Thaneerpandalkadu,
Mullapallipatti(PO),
Namagiripettai via,
Namakkal District -637 406,
Namakkal

Petitioner(s)

Vs

1. The Govt of Tamil Nadu,
Rep. by Secretary to Government,
School Education Department,
Fort St. George,
Chennai 600 009.

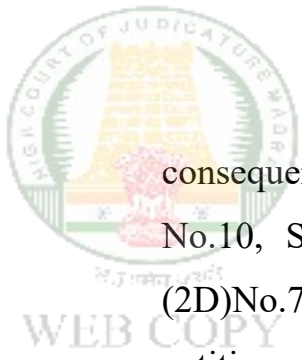
2.The Director of School Education,
College Road, Chennai -600 006.

3.The Chief Educational Officer,
Namakkal District, Namakkal

Respondent(s)

PRAYER

This writ petition has been filed seeking for issuance of a Certiorarified Mandamus, to call for the records of the 3rd respondent issued in proceedings in Na.Ka.No.2328/A2/2015 dated 22.09.2016 and quash the same and issue a



consequential direction to the respondents to extend the benefit of G.O.(4D) No.10, School Education(D2) Department dated 09.03.2012 and the G.O. (2D)No.70, School Education(Nee Vaa 3(2) Department dated 12.11.2014 to the petitioner and to grant consequential scale of pay of B.Ed Middle School Headmaster with selection and special grade scale of pay and to arrive at a last drawn pay and thereafter to grant consequential arrears of pay as well as arrears of pension.

For Petitioner (s): Mr.R.Saseetharan
For Respondent(s): Mrs.P.Rajarajeswari, GA

ORDER

The challenge in this writ petition is to the order dated 22.09.2016 bearing Na.Ka.No.2328/A2/2015 passed by the third respondent. By the said proceedings, the claim of the petitioner for extension of the pay scale attached to the post of B.Ed. Middle School Headmaster came to be rejected.

2.The petitioner, while working as a B.Ed. Middle School Headmaster at Panchayat Union Middle School, Mullukurichi, was transferred as Headmaster to Panchayat Union Middle School, Timmanaickenpatti, Namagiripattai Panchayat Union, which was upgraded from a Middle School to a Government High School. Upon such upgradation, the petitioner was absorbed from the post of B.Ed. Middle



School Headmaster as B.T. Assistant, vide proceedings of the District Educational Officer dated 29.09.1984. The petitioner retired from service on 31.07.2006 on attaining the age of superannuation.

3. In the meantime, the then Tamil Nadu Administrative Tribunal, Chennai, in O.A.No.694 of 1995 and batch, by order dated 22.02.2002, held that the petitioners therein were entitled to the same benefits as if they had continued to serve as Headmasters and that consequential monetary benefits such as Selection Grade and Special Grade pay, including increments, should be extended to them till the date of their retirement. The said order was passed in cases where the petitioners therein were absorbed as B.T. Assistants upon upgradation of Middle Schools into High Schools while they were working as Middle School Headmasters. Relying upon the said order of the Tamil Nadu Administrative Tribunal, the petitioner submitted a representation seeking extension of the pay scale attached to the post of B.Ed. Middle School Headmaster. The said representation came to be rejected by the impugned proceedings dated 22.09.2016.



4. The learned State Counsel submitted that the absorption of the petitioner as a B.T. Assistant in the Government High School was on account of his willingness and, therefore, the petitioner is not entitled to the pay scale attached to the post of B.Ed. Middle School Headmaster. It was further submitted that the order passed by the Tribunal is not applicable to the petitioner. The learned State Counsel also contended that the petitioner retired from service in the year 2006, whereas the claim was made only in the year 2015, and therefore, the claim is barred by delay and laches.

5. The submissions advanced by the learned counsel appearing on either side and the materials placed on record have been carefully considered.

6. The petitioner was absorbed as a B.T. Assistant in the Government High School in the year 1984. The Tribunal, by its order dated 22.02.2002 in O.A.No.694 of 1995 and batch, held that the petitioners therein, who



were absorbed as B.T. Assistants were entitled to the pay scale attached to the post of B.Ed. Middle School Headmaster. The petitioner, however, submitted his representation only in the year 2015, after his retirement from service in the year 2006. Therefore, the claim of the petitioner for grant of arrears of salary by extending the pay scale attached to the post of B.Ed. Middle School Headmaster is barred by limitation. However, the petitioner is legally entitled to the extension of the pay scale attached to the post of B.Ed. Middle School Headmaster, as after his absorption as a B.T. Assistant in the Government High School. Therefore, for the limited purpose of fixation of pension and other pensionary benefits, the petitioner is entitled to fixation of the pay scale attached to the post of B.Ed. Middle School Headmaster, notionally.

7. Accordingly, the writ petition is allowed in part. The impugned proceedings bearing Na.Ka.No.2328/A2/2015 dated 22.09.2016 passed by the third respondent are hereby set aside. The respondents are directed to extend the pay scale attached to the post of B.Ed. Middle School Headmaster to the petitioner notionally with effect from 29.09.1984 and to revise the pension and pay arrears of pension from the date of the petitioner's claim, i.e., from 21.03.2015 onwards. The said exercise shall



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be completed within a period of three (3) months from the date of receipt
of a copy of this order. No costs.

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Index: Yes/No

Neutral Citation: Yes/No



To

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Rep. by Secretary to Government,
School Education Department, Fort St.
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2. The Director of School Education
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HEMANT CHANDANGOUDAR, J.
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