



W.P.(MD).No.626 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD).No.626 of 2019

and

WMP.(MD).No.19232 of 2023

M.Murugesan

.. Petitioner

Vs.

1.The Government of Tamil Nadu
represented by its
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,
Virudhunagar District,
Virudhunagar.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records of the second respondent by his proceeding in Na.Ka.No. 031313/E4/2015, dated 02.03.2016 by confirming the order of the 3rd respondent in his proceedings in Na.Ka.No.4380/A4/2015, dated 01.12.2015, quash the same and consequentially direct the respondents to grant the petitioner retiral benefits in respect of pay fixation done under the G.O.Ms.No.207 dated 30.09.2008 of the School Education Department within a stipulated time.



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For Petitioner : Mr.M.Sridharan
for M/s.G.Dhanalakshmi
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

This writ petition has been filed to quash the proceedings dated 02.03.2016 confirming the order of the 3rd respondent in his proceedings dated 01.12.2015, quash the same and consequently direct the respondent to grant the petitioner with retiral benefits in respect of pay fixation in G.O.Ms.No.207 dated 30.09.2008.

2. The case of the writ petitioner is that the petitioner was initially appointed as higher grade teacher on 06.09.1968, at Panchayat Union Elementary School, Kalichankottai, Madukkur Panchayat then upgraded as secondary grade teacher on 01.01.1971.

2(i). He was granted as a selection grade of pay in secondary grade teacher on 01.01.1981. On completion of ten (10) years of service as secondary grade teacher, thereafter, he was granted special grade in secondary grade teacher on 01.01.1991, on completion of twenty (20) years of service. Subsequently, he was promoted as primary school



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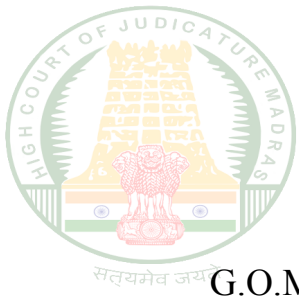
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headmaster on 05.07.1995 and then promoted as middle school head-master on 23.06.1997 and as assistant educational officer on 17.08.2000, he was retired from service on 30.04.2005.

2(ii). As per the G.O.Ms.No.207 dated 30.09.2008 of the School Education Department, secondary grade teachers, who were promoted as primary school head-master after 01.06.1988 has to be given as selection grade/special grade of pay in salary and their pensionary benefits has to be revised. Since, the petitioner had not promoted as primary school head-master after 01.06.1988, his pay scale has to be fixed pursuant to the fixation of pay in selection and special grade.

2(iii). The petitioner sent a representation to the third respondent to revise his pay-scale as per G.O.Ms.No.207 dated 30.09.2008 of the School Education Department and the same was rejected, hence this writ petition.

3. The learned counsel appearing for the petitioner would submit the order impugned passed without of mind by properly adhering the

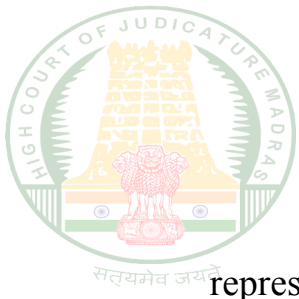


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G.O.Ms.No.207 dated 30.09.2008 on its true letter and spirit. The rejection order passed on the ground that the G.O was not applicable to the petitioner, since as on 01.06.1988, he was not worked as primary school head master, contra to the spirit of G.O. The order impugned has been passed in violation of the order passed in W.P.No.25001 of 2012 dated 11.11.2014, wherein this Hon'ble Court has held that counting the service of secondary grade teacher for grant of selection grade and special grade in the post of primary school head-master with monetary benefits to the persons, who were promoted after 01.06.1988, if those teachers joined prior to 01.06.1988, without reference to the date of promotion, as primary school head-master would not driving them into Court.

4. *Per-contra*, the learned Additional Government Pleader for the respondents would submit that after getting all retiral benefits, the writ petitioner gave representation to extend the benefit under G.O.Ms.No. 234 dated 10.09.2009, in this regard he preferred writ petition in W.P(MD).No.531 of 2010 and the same was disposed by this Hon'ble Court vide order dated 17.09.2010 with a direction to consider the



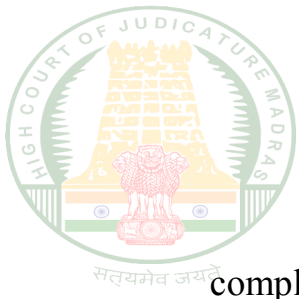
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representation given by the writ petitioner. Pursuant to the same, his case was also considered for extending the benefit along with other similarly placed persons and the Government issued G.O.(Ms).No.179 School Education (G2) Department dated 06.09.2013 extending the said benefits to 1,528 persons including the petitioner herein and the name of the petitioner herein was also found in the said G.O on S.No.1160. He would draw the attention of this Court to the detailed counter affidavit of the third respondent in appropriate paragraph Nos.18 and 19.

5. This Court has considered the rival submissions advanced by the learned counsel for the petitioner and the learned counsel for the respondents and perused all the materials available on record.

6. The writ petitioner seeks relief on the ground that the petitioner was initially appointed as Higher Grade Teacher on 06.09.1968. He was upgraded as secondary grade teacher on 01.01.1971. He was granted selection grade of pay in secondary grade pay in secondary grade teacher on 01.01.1981 on completion of 10 years of service as secondary grade teacher. Thereafter he was granted special grade on 01.01.1991 on



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completion of 20 years of service. He was promoted as primary school Headmaster on 05.07.1995 and then promoted as middle school Headmaster on 05.07.1995 and then promoted as middle school Headmaster on 23.06.1997 and as Assistant Educational Officer on 13.08.2000. He was retired from service on 30.04.2005. It is pertinent to mention that on 304/2005. special grade and selection grade to secondary grade teachers, working in middle school since they are not having promotional opportunities, the petitioner was appointed as higher grade teacher on 06.09.1988 and his post was upgraded as on 01.01.1971 and later he was awarded as selection grade on 01.01.1981 and after completion of selection grade on 01.01.1991, later he was promoted as primary school head-master on 05.07.1985 then he was promoted to the post of middle school headmaster on 23.06.1997. He was transferred to the post of Assistant Elementary Educational Officer on 17.08.2000 and he was retired from service on 30.04.2005 and he has got all his retirement benefits vide pension order as per the counter filed by the third respondent there is no merit in this writ petition, the pension was also revised from Rs. 4885/- to Rs.5238/- after receiving all pensionary benefits and after lapse of three (3) years, he preferred the writ petition



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there is no merit in this writ petition and the same is liable to be dismissed.

7. In the result this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected writ miscellaneous petition is closed.

25.02.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

nst

To:

- 1.The Government of Tamil Nadu
represented by its
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