BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.09.2011

CORAM
THE HONOURABLE MR.JUSTICE R.SUDHAKAR
AND
THE HONOURABLE MRS.JUSTICE ARUNA JAGADEESAN

W.A.(MD)Nos.979 and 986 to 991 of 2011
and M.P(MD)Nos.2,2,2,2,2 & 2 of 2011
in W.A.(MD)Nos.986 to 991 of 2011

1.S.Arulsamy
2.V.Irudhyaraj
3.G.Peter
4.I.Dhivya Sesu
5.B.Balakrishnan
6.T.Rajasekaran
7.S.Jeyamary
8.G.R.Sathiyamoorthy
9.I.Manimaran ... Appellants/Petitioners in WA.No. 979 OF 2011

S. Athinarayanan ..Appellant/Petitioner in WA(MD)No. 986 of 2011

S. Kanagaraj ..Appellant/Petitioner in WA(MD)No. 987 of 2011

J. Thulasi ..Appellant/Petitioner in WA(MD)No. 988 of 2011

S. Ganesan ..Appellant/Petitioner in WA(MD)No. 989 of 2011

N. Balasubramanian ..Appellant/Petitioner in WA(MD)No. 990 of 2011

K. Nallamuthu ..Appellant/Petitioner in WA(MD)No. 991 of 2011

Vs.

1.The State of Tamil Nadu, represented by its
Secretary to the Government,School Education Department,
Fort St.George, Chennai - 9.

2.The Director of Elementary Education,
Chennai.

3.The District Elementary Educational Officer,
Sivagangai District.

4.The District Elementary Educational Officer,
Ramnad District.

 ... Respondents/Respondents in WA(MD)No. 979 of 2011

1.The State of Tamil Nadu, Through its Secretary,
Education Department, Fort St. George, Chennai 600 009.

2.The Director of Elementary Education,
College Road, Chennai.

3.The District Elementary Educational Officer,
Madurai.

4.The Assistant Elementary Educational Officer,
Kallikudi, Madurai District. ..Respondents/Respondents
in WA(MD)Nos. 986 ot 991 of 2011

PRAYER IN WA.979 OF 2011: Appeal filed under Clause 15 of Letters Patent against the order of this Court, dated 17.09.2010 made in W.P.(MD)No.5259 of 2010.

PRAYER IN WP(MD)Nos. 5259 of 2010:

Petition Praying that in the circumstances stated theein and in the affidavits filed therewith the High Court will be pleased to issue a Writ of mandamus directing the respondents to fix the scale of pay to the petitioners as per GO.Ms. No. 234, dated: 10.09.2009 counting entire length of service as elementary Head Master for selection grande and Special Grade and Confer all consequential Benefits.

PRAYER IN WA(MD)Nos. 986 to 991 of 2011:

Appeals filed under Clause 15 of Letters Patent against the order of the Hon'ble Mr.Justice K. Chandru, dated: 17.09.2010 made in WP(MD)Nos. 2961 of 2010, 2962 of 2010, 2963 of 2010, 2964 of 2010, 2965 of 2010, 2966 of 2010 respectively.

COMMON PRAYER IN WP(MD)Nos. 2961 of 2010, 2962 of 2010, 2963 of 2010, 2964 of 2010, 2965 of 2010, 2966 of 2010:

Petition praying that in the circumstances stated theein and in the affidavits filed therewith the High Court will be pleased to issue a Writ of mandamus directing the 4th respondent to award selection grade and special grade to the petitioners by computing the entire period of service rendered by the petitioners as secondary grade teacher prior to 1.6.1988 as was extended to other similarly placed teachers as per GO.Ms.No. 234, dated: 10.09.2009 with all arrears and consequential benefits thereon within a time limit fixed by this Honourable Court.

For Appellants in WA(MD)No.979 of 2011 ... Mr.V.Panneerselvam
for M/s.C.S.Associates.
For Appellants in WA(MD)Nos.986 to 991 of 2011:
Mr. P.T.S. Narendravasan,
M.D. Devi Saravana Priya.

For Respondents : Mr.R.Karthikeyan, Addl. Govt. Pleader

COMMON JUDGMENT

(Judgment of the Court was delivered by R.SUDHAKAR, J)

Writ Appeal(MD)No.979 of 2011 and 986 to 991 of 2011 have been filed against the order of the Hon'ble Mr.Justice K.Chandru, dated 17.09.2010 made in W.P.(MD)Nos.5259 of 2010 and 2961 to 2966 of 2010 respectively.

2. The relief sought for in all these writ appeals are one and the same. By consent, these writ appeals are taken up for final disposal.

3. Heard Mr.V.Panneerselvam, learned Counsel for the appellants in W.A.(MD)No.979 of 2011, Mr.PT.S.Narendravasan, learned Counsel for the appellants in W.A(MD)Nos.986 to 991 of 2011 and Mr.R.Karthikeyan, learned Additional Government Pleader appearing for the respondents in all the writ appeals.

4. These writ appeals challenge the order of the learned Single Judge of this Court dated 17.09.2010 passed in a batch of writ petitions declining to grant certain benefits to the retired Headmasters and Secondary Grade Teachers of Elementary schools, which were claimed by them on the basis of G.O.Ms.No.234 School Education (G2) Department, dated 10.09.2009, granted in favour of similarly placed Teachers.

5. The learned Single Judge of this Court declined to grant the relief primarily on the ground that the appellants/petitioners in all these cases have come to the Court seeking similar relief after more than thirteen years and merely because the benefits were granted in favour of certain 63 teachers who are the beneficiaries of G.O.Ms.No.234 School Education (G2) Department, dated 10.09.2009, the same cannot be extended to the others.

6. As against this order, two Division Benches of this Court have interfered with the order of the learned Single Judge and granted the relief to similarly placed retired Headmasters and Secondary Grade Teachers.

7. The order of the Division Bench of this Court dated 07.07.2011 passed in W.A.No.815 of 2010, etc., batch, reads as follows:

> *"21. It is also a matter of record that the Government have considered the claim made by 65 of the retired employees and the benefits of the earlier Government orders were extended to them. The Government Order in G.O.Ms.No.210 School Education (G1) dated 14.08.2009 clearly supports the case of the appellants. When it is made out that the Government have considered the demand of a section of erstwhile Headmasters of Elementary Schools and awarded them selection grade pursuant to the order passed by the employees, who have approached the Court at a belated point of time. The appellants are aged persons and ultimately, they would be given only the benefit of re-fixing their pension. The appellants have served the Education Department for a long time and at this point of time, they wanted only a similar treatment. The Government having issued orders conferring benefits to the similarly situated employees cannot be heard to say that such benefits would not be given to those who have not approached the Court within a reasonable time."*

8. The present batch of writ appellants are also the petitioners in the batch of writ petitions dismissed by the learned Single Judge of this Court on 17.09.2010.

9. We are of the considered view that since the Division Bench of this Court has already taken a view in favour of the appellants in the present batch of writ appeals, the appellants in these writ appeals will be entitled to the similar relief and accordingly, the order of the learned Single Judge of this Court is set aside insofar as the writ appellants herein concerned.

10. The writ appeals are allowed with a direction on the above terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

SD
ASST REGISTRAR (Records)

/TRUE COPY/

SUB ASST REGISTRAR

rsb
To:

1.The Secretary to the Government, The State of Tamil Nadu,
School Education Department,Fort St.George, Chennai - 9.

2.The Director of Elementary Education,
College Road, Chennai.

3.The District Elementary Educational Officer,
Sivagangai District.

4.The District Elementary Educational Officer,
Ramnad District.

5.The District Elementary Educational Officer, Madurai.

6.The Assistant Elementary Educational Officer,
Kallikudi, Madurai District.

2cc's to The Special Govt.Pleader SR:34724:34725

DM::2011:OCTOBER:::19::

W.A.(MD)Nos.979 and 986 to 991 of 2011
and M.P(MD)Nos.2,2,2,2,2 & 2 of 2011
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