

SUPREME COURT OF INDIA

R. DURAISAMY & ORS.

Vs.

DIRECTOR OF SCHOOL EDUCATION & ORS.

12/12/2000

(S.R.Babu, S.V.Patil)

Special Leave Petition (civil) 11650-11652 1997

JUDGMENT

RAJENDRA BABU, J. :

The Petitioners before us were appointed as teachers in the Panchayat Union Elementary Schools under the Tamil Nadu Elementary Education Subordinate Service. When they were working in such Middle Schools, they were upgraded as High Schools and the Petitioners were transferred to the High Schools. The Petitioners were absorbed in the High School Service but some of the teachers, who were stated to be junior to the Petitioners and who continued in the Panchayat Union Elementary Schools, were subsequently promoted as Head Masters in the primary and the Middle Schools run by the Panchayat Union. They were allowed to draw their pay in the scale of Rs.2,000-3,200 from 1.6.88 pursuant to G.O. issued on 5.10.1990. The result was that they started getting more pay than the Petitioners did.

In those circumstances the Petitioners and others approached the Tamil Nadu Administrative Tribunal [hereinafter referred to as the Tribunal] for fixation of their pay on par with the Head Masters in the Panchayat Union schools. They contended that, apart from the unfairness of being paid lesser salary, had they continued in the Panchayat Union schools, they would have become Head Masters in the Primary/Middle Schools on the basis of their seniority and thus would have been entitled to draw such higher scales. The Tribunal relied upon certain Government orders and held that the teachers of the elementary and Middle Schools and the teachers of the High Schools constituted one service and, therefore, granted relief to them in some of the applications filed before it. But in subsequent applications filed before the Tribunal, the matter was reviewed and the cases of the Petitioners were D..