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W.P.No.20570 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2025

CORAM

THE HONOURABLE MR.JUSTICE T.VINOD KUMAR

W.P.No.20570 of 2019

P.Zaheer

...Petitioner

Vs

1.The Director of Elementary Education
DPI Campus, College Road
Chennai 600 006.

2.The Chief Educational Officer
Krishnagiri District.

3.The District Educational Officer
Thenkanikottai
Krishnagiri District.

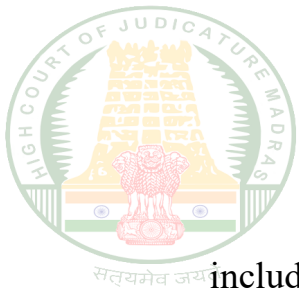
4.The Block Educational Officer
Thally Block
Krishnagiri District.

...Respondents

Prayer: This Writ Petition is filed under article 226 of the Constitution of

India, praying to issue a Writ of Mandamus, directing the respondents to

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include the petitioner in the panel for promotion to the post of Elementary School Head Master, in Thally Block, Krishnagiri District, as on 01.01.2019 by considering the fact that there is no charge sheet or charge memo against the petitioner by following Clause 5 of Schedule XI (Section 7(1) of Tamil Nadu Government Servants (Conditions of Service) Act 2016 and accordingly promote the petitioner on the date when his immediate junior is promoted with all attendant service and monetary benefits.

For Petitioner : M/s.R.Pavithra
for M/s.S.Suneetha

For Respondents : M/s.P.Rajarajeswari
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the records.



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2. The case of the petitioner in brief is that though his name was included in the seniority list and promotion panel published on 30.06.2019 he was not given promotion on the ground that a First Information Report has been registered against him for participating in the strike.

3. It is the further case of the petitioner that the Government vide G.O.Ms.No.9 dated 02.02.2021 had withdrawn the criminal cases registered against the teachers who took part in the indefinite strike education from 22.01.2019 and on account of the withdrawal of criminal cases registered against the teachers including the petitioner, the petitioner became entitled for being granted promotion.

4. The petitioner further contended that the Government by G.O.Ms.No.113, Human Resources Development (K) Department dated 13.10.2021 regularised the strike period as on duty period; that though the respondents granted promotion to the post of Primary School Head

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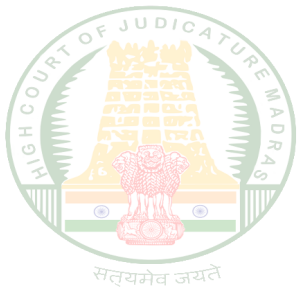
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Master pursuant to the promotion panel prepared on 30.06.2019 the petitioner was paid arrears of salary only from January, 2022 and was not paid the arrears of the salary from the date of notional promotion.

5. On behalf of the petitioner it is further contended that in absence of any restriction being imposed in the G.O.Ms.No.113 with regard to monetary benefits being granted, the respondent could not have denied monetary benefits for the period when he is due for promotion to the post of Primary School Head Master evenafter the said period is considered as duty period under G.O.Ms.No.113 and thus, the action of the respondent in denying the said benefit is wholly unsustainable.

6. Per contra, the Government Advocate appearing on behalf of the respondents submitted that the petitioner was paid salary from January, 2022 after joining the duty as Primary School Head Master by considering as eligible for promotion under G.O.Ms.No.113.



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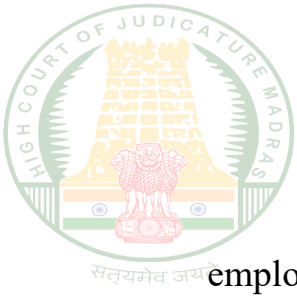
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7. I have taken note of the respective contentions urged.

8. Though the respondents have contended that the petitioner is entitled for arrears of salary in the post of Primary School Head Master on the date he joining in the said post, it is to be noted that the petitioner's name was included in the promotion panel published on 13.06.2019 for promotion to the post of the Primary School Headmaster. However, the petitioner was denied the promotion on account of an FIR being registered against him for participating in the teachers strike.

9. The Government having taken a decision to withdraw the disciplinary action and the criminal cases filed against the Government

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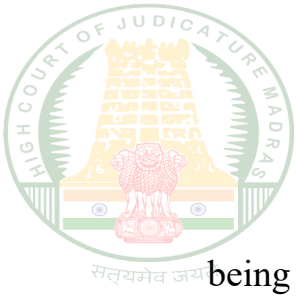
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employees/Teachers under G.O.Ms.No.9 dated 02.02.2021, the criminal cases registered against the petitioner came to be dropped and thus, the petitioner became eligible for promotion from the date on which the said promotion was denied him.

10. Further, the Government thereafter having issued G.O.Ms.No.113 treating the strike period as on duty period, it is to be considered that the petitioner had performed the duties in the promoted post of the Primary School Headmaster, eventhough he had joined the said post after withdrawal of the criminal cases and being granted promotion pursuant to G.O.Ms.No.9.

11. Since, the G.O.Ms.No.113 does not impose any restriction with regard to non-payment of monetary benefits and the said strike period being considered as on duty, the respondent could not have denied granting monetary benefits for the said period by treating the petitioner

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being on strike, and excluding the said period for the payment of arrears.

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The submission made by the respondent runs contrary to the G.O.Ms.No.113 issued by the Government.

12. Accordingly, the Writ Petition is allowed. The respondents are directed to pay the arrears of salary to the petitioner in the post of Primary School Headmaster on the date his Junior was promoted by treating the strike period as duty period in terms of G.O.Ms.No.113 within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

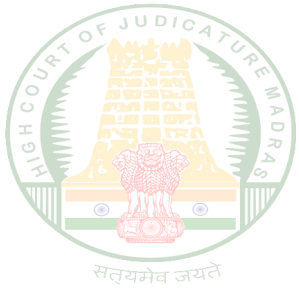
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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

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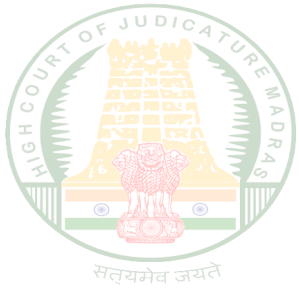
To

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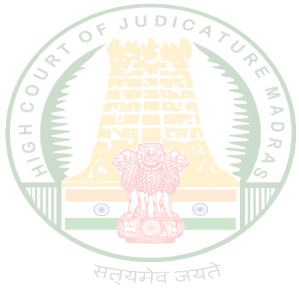


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