



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2016

CORAM:

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 23799 of 2016

and

W.M.P. (MD) Nos. 17142 to 17144 of 2016

G. Saraswathi

... Petitioner

Vs.

1. The Director of Elementary Education,
D.P.I. Complex,
College Road,
Chennai-6.

2. The District Elementary Education Officer,
Elementary Education,
Thanjavur.

3. The Additional Assistant Elementary Education Officer,
Ammappettai,
Thanjavur.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd respondent in his proceedings Na.Ka.38/A3/2016 dated 18.01.2016 and quash the same and consequently, direct the respondents to continue to pay all the benefits and increments.

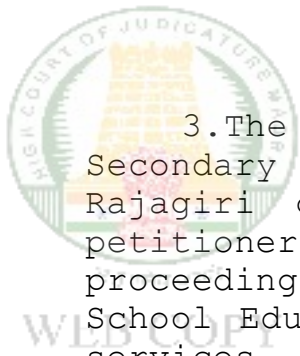
For Petitioner : Mr. B. Jameel Arasu

For Respondents : Mr. A. K. Baskarapandian, Spl. G.P.

ORDER

The petitioner seeks for a Writ of Certiorarified Mandamus to quash the proceedings dated 18.01.2016 passed by the 3rd respondent in Na.Ka.38/A3/2016 and consequently, direct the respondents to pay all benefits and increments.

2. Mr. A. K. Baskarapandian, learned Special Government Pleader takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.



3.The case of the petitioner is that she was appointed as Secondary Grade Teacher in Kasimiya Dawood Middle School at Rajagiri on 08.08.1996 and on 14.12.1997 the service of the petitioner has been regularized by the 2nd respondent vide proceedings in Na.Ka.No.110429/A3.97. As per G.O.Ms.No.155, School Education (D2) Department, dated 03.10.2002, persons whose services were regularized are not entitled to get monitory benefits from the date of their initial appointment. The said G.O.was challenged by filing a Writ petition in W.P.(MD)No.19821 of 2003 before this Court and this Court by order dated 22.01.2013 allowed the Writ petition and held as follows:

".... the condition imposed depriving eligibility of consideration of their services from the date of initial appointment was declared as irregular. Further, it is submitted that the post and nature of employment are not different because of the qualification. Therefore, in the light of the order referred to above, the respondents herein who are the educational authorities had granted selection grade pay to the petitioner considering the initial date of appointment as crucial date for considering the period of ten years of service."

4.The grievance of the petitioner is that the 3rd respondent by the proceedings dated 18.03.2014 in Na.Ka.No.280/A4/14 informed that the petitioner is entitled for payment of monetary benefits and other benefits only from 01.01.2006 (on completion of 10 years of service) and not from the date of appointment ie., 08.08.1996.

5.The learned counsel for the petitioner submitted that the petitioner is entitled to the benefits as already given, which cannot be denied as this Court in number of decisions have considered the similar request and accordingly, the respondents have also granted the relief to similarly placed persons.

6.Since no opportunity of hearing was given to the petitioner, as it could be seen from the order, the impugned order dated 18.01.2016 is set aside. The respondents concerned is directed to extend the same benefits to the petitioner by taking into consideration of the various decisions of this Court and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

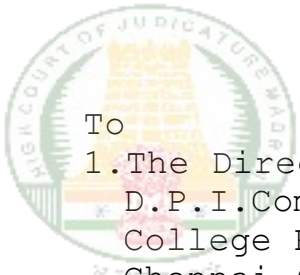
7.With the above direction, this Writ petition is disposed of. No costs. Consequently, connected W.M.Ps.are closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar



To

1.The Director of Elementary Education,
D.P.I.Complex,
College Road,
Chennai-6.

WEB COPY

2.The District Elementary Education Officer,
Elementary Education,
Thanjavur.

3.The Additional Assistant Elementary Education Officer,
Ammapettai,
Thanjavur.

+1 cc to M/s.B.Jameel Arasu, Advocate in SR.No.80455

+1 cc to The Special Government Pleader in SR.No.80284

NBJ

CSL/GSV-PM/SAR-I/19.12.2016 :2P/6C

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