

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.4.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT. TEEKAA RAMAN

Writ Appeal No.1391 of 2014 &
M.P.No.1 of 2014

1. State of Tamil Nadu
rep. by Secretary to Government
Higher Education Department
St. George Fort
Chennai 600 009.
2. The Director of Technical Education
Guindy,
Chennai 600 025. ..Appellants/Respondents 1 & 2

Vs.

1. K.Vethavalli
 2. A.Helan Mary Clara
 3. R.Akila
 4. M.Shyamala
 5. K.Thangamalar
 6. R.Prasanthi @ Punithavathi
 7. N.Swarnalatha
 8. J.Meena
 9. S.Shanthi
 - 10.P.S.Neelayathakshi
 - 11.The Principal
ADJ Dharmambal Polytechnic College
Nagapattinam.
 - 12.The Principal
Valivalam Desigar Polytechnic College
Nagapattinam.
 - 13.The Principal
Seshasayee Institute of Technology
Trichy 620 010. ..Respondents/Petitioners 1 to 10
- [R11 to R13 given up] .. Respondents 3 to 5

Appeal under Clause 15 of the Letters Patent filed against the order dated 05.11.2013 made in W.P.No.8265 of 2007.

Prayer in W.P.No. 8265 of 2007:- Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for and quash the proceedings in G.O.Ms.no.534/Education (C-2) Department dated 19.11.2004 on the file of the 1st respondent in respect of paragraph 4(2) of the said order and the consequential order passed by the 2nd respondent in his proceedings No.182/C3/06 dated 25.2.2006 and consequently direct the respondents herein to pay the entire monetary benefits ever since their appointment with all other monetary and attendant benefits accrued to the petitioners herein.

For Appellants : Mr.R.Vijayakumar, Addl.G.P.
For Respondents 1 to 10 : Mr.L.Chandrakumar

J U D G M E N T
(Delivered by Huluvadi G.Ramesh,J)

The writ appeal is directed against the order dated 05.11.2013 made in W.P.No.8265 of 2007.

2. Heard Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the appellants and Mr.L.Chandrakumar, learned counsel appearing for the respondents 1 to 10.

3. Aggrieved by the order of the second appellant granting monetary benefit from the date of issue of G.O.Ms.No.534, Higher Education, dated 19.11.2004, instead of from the date of their appointment to the post of Associate Lecturers/Lecturers or from the date of acquiring the required qualification, the respondents 1 to 10 had filed the writ petition. The learned single Judge, after hearing both the parties, allowed the writ petition directing the appellants to grant benefit from 19.8.1989, namely the date of issue of G.O.Ms.No.1081, Education (J-1) Department dated 19.8.1989.

4. Challenging the order of the learned single Judge on the ground that the respondents 1 to 10, who were appointed as Associate Lecturers/Lecturers subsequent to the issue of G.O.Ms.No.1081 dated 19.8.1989, cannot be granted the benefit from the date of issue of the said G.O., namely 19.8.1989, the appellants have come up with this appeal.

5. The respondents 1 to 10 were appointed as Instructors and they have been re-designated as Associate Lecturers/Lecturers on various dates, subsequent to the date of issue of G.O.Ms.No.1081 dated 19.8.1989. The dates on which the respondents 1 to 10 have

been appointed to the post of Lecturer is presented below, in a tabular form.

S. No.	Name of the respondents 1 to 10	Date of appointment as Lecturer
1	K.Vethavalli	25.7.1990
2	A.Helan Mary Clara	13.6.1996
3	R.Akila	26.8.1991
4	M.Shymala	15.6.1994
5	K.Thangamalar	29.8.1991
6	R.Prasanthi @ Punithavathi	26.8.1992
7	N.Swarnalatha	05.9.1991
8	J.Meena	26.8.1991
9	S.Shanthi	29.4.1992
10	P.S.Neelayathakshi	16.12.1992

6. Admittedly, G.O.Ms.No.1081, Education Department, dated 19.8.1989 states that the then existing Instructors should be promoted as Associate Lecturers/Lecturers as and when they acquired the required qualification. Therefore, it is clear that the pay scale should be fixed as and when the Instructors are promoted either as Associate Lecturers or Lecturers. But, the respondents 1 to 10 were granted the monetary benefit only from the date of issue of G.O.Ms.No.534 dated 19.11.2004, instead of the date on which they were promoted.

7. The learned single Judge, after going through the materials placed before him and taking note of the relevant Government Orders and also similar orders passed by this Court, directed the appellants to re-designate the respondents 1 to 10 with effect from 19.8.1989 and to grant them all monetary benefits. But, the learned single Judge failed to take note of one important fact that the respondents 1 to 10 have been re-designated only subsequent to the issue of G.O.Ms.No.1081 dated 19.8.1989 and therefore, they are not entitled to the benefit from 19.8.1989, but they are entitled to the benefit only from the date of their re-designation, as per the dates stated in the tabular column in paragraph 5.

8. In view of the above, the writ petition is allowed in part, modifying the order of the learned single Judge to the extent that the respondents 1 to 10 are entitled to the fixation of pay and monetary benefits only from the date of their taking charge in the re-designated post of Associate Lecturer/Lecturer and not from the date of the issue of G.O.Ms.No.1081 dated

19.8.1989. There shall be no order as to costs. Consequently,
M.P.No.1 of 2014 is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

kpl

To

1. The Secretary to Government
Higher Education Department
St. George Fort
Chennai 600 009.
2. The Director of Technical Education
Guindy,
Chennai 600 025.
3. The Principal A.D.J. Dharmambal Polytechnic College,
Nagapattinam.
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Nagapattinam.
5. The Principal
Seshasayee Institute of Technology
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+1cc to Mr.L. Chandra Kumar, Advocate Sr. 20618

W.A.No.1391 of 2014.

SKV(CO)
VR(10/5/2017)

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