

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH  
AND  
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1293 of 2017

1. The State of Tamil Nadu  
rep. by the Secretary  
Education Department  
Fort St.George  
Chennai 600 009

2. The Director of Technical Education  
Guindy  
Chennai 600 025

.. Appellants

-VS-

1. P.Boopathi  
2. P.R.Nagarajan  
3. A.Lakshmi  
4. P.Valarmathi  
5. K.Saravanan  
6. S.Thirumoorthy  
7. S.Sakthivel  
8. M.S.Nirmala

9. The Principal  
Sakthi Polytechnic College  
Sakthi Nagar  
Erode 638 315

.. Respondents

Appeal under Clause 15 of the Letters Patent against the order dated  
24.03.2008 made in W.P.No.4415 of 2008.

For Appellants : Mr.V.Jayaprakash Narayanan  
Special Government Pleader

For Respondents : Mr.A.P.Srinivas for R1 to 8  
Mr.R.Prabakar for R9

### JUDGMENT

(Judgment of the Court was delivered by HULUVADI G.RAMESH,J.)

The writ appeal is directed against the order dated 24.03.2008 made in W.P.No.4415 of 2008.

2. Heard Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the appellants, Mr.A.P.Srinivas, learned counsel appearing for the respondents 1 to 8 and Mr.R.Prabakar, learned counsel appearing for the respondent No.9.

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 8 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 8, 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 8 were appointed as Instructors in the ninth respondent polytechnic college during June, 1990 and August, 1992 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. 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 8 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.

6. 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 8 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 8 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 Associate Lecturers/Lecturers.

7. In view of the above, the writ appeal is allowed in part, modifying the order of the learned single Judge to the extent that the respondents 1 to 8 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. Consequently, C.M.P.No.17997 of 2017 is closed. No costs.

(H.G.R.J.) (T.K.R.J.)

22.09.2017

Index : yes/no

ss

WEB COPY

To

1. The Secretary to Government  
Education Department  
Fort St.George  
Chennai 600 009

2. The Director of Technical Education  
Guindy  
Chennai 600 025

3. The Principal  
Sakthi Polytechnic College  
Sakthi Nagar  
Erode 638 315

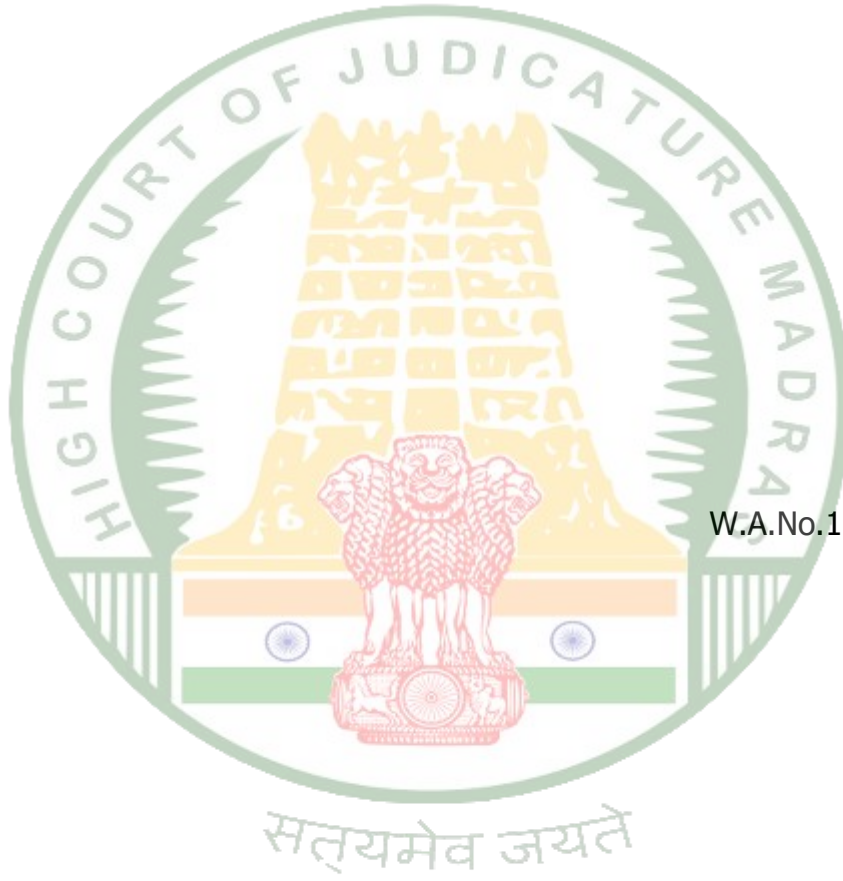


WEB COPY



HULUVADI G.RAMESH, J.  
and  
RMT.TEEKAA RAMAN, J.

SS



W.A.No.1293 of 2017

WEB COPY

22.09.2017