IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.Nos.488 to 495 of 2018
and
C.M.P.Nos.4589 to 4595 of 2018

M.P.Parthiban ... Appellant in W.A.No. 488 of 2018

S.Jalendran ... Appellant in W.A.No. 489 of 2018

M.K.Sumathi ... Appellant in W.A.No. 490 of 2018

P.Raju ... Appellant in W.A.No. 491 of 2018

S.Arulraj ... Appellant in W.A.No. 492 of 2018

P.Maheswari ... Appellant in W.A.No. 493 of 2018

M.Saravanan ... Appellant in W.A.No. 494 of 2018

T.Saravanakumar ... Appellant in W.A.No. 495 of 2018

-vs-

1.The Government of Tamil Nadu,
rep.by its Secretary to Government,
School Education Department,
Fort St.George, Chennai-600 009.

2.The Director of Elementary Education,
College Road, Chennai-600 006.

3.The District Elementary Educational Officer,
Tiruppur District, Tiruppur.
... Respondents 1 to 3 in all writ appeals

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

The Assistant Elementary Educational Officer,
Dharapuram Panchayat Union,
Dharapuram, Tiruppur District.
... 4th respondent in W.A.Nos. 488, 491, 492, 494 and 495 of 2018

The Assistant Elementary Educational Officer,
Mulanur Panchayat Union,
Mulanur, Tiruppur District. ... 4th respondent in W.A.Nos. 489, 490 and 493 of 2018

W.A.No.488 of 2018 filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.6658 of 2015 dated 06.07.2017.

W.A.No.489 of 2018 filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.6655 of 2015 dated 06.07.2017.

W.A.No.490 of 2018 filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.6659 of 2015 dated 06.07.2017.

W.A.No.491 of 2018 filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.6893 of 2015 dated 06.07.2017.

W.A.No.492 of 2018 filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.7262 of 2015 dated 06.07.2017.

W.A.No.493 of 2018 filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.7895 of 2015 dated 06.07.2017.

W.A.No.494 of 2018 filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.7901 of 2015 dated 06.07.2017.

W.A.No.495 of 2018 filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.7902 of 2015 dated 06.07.2017.

WEB COPY

WP No.6658 of 2015

Writ petition filed under article 226 of the constitution of India, praying this court for the issuance of writ of Mandamus Directing the 1st respondent to dispose of the petitioners representation dated 26.11.2014 (which was given to the 1st respondent praying for regularisation of the petitioner

https://hcservices.ecourts.gov.in/hcservices/

initial services in Post of Secondary Grade Assistant Teacher with effect from the date of petitioner initial appointment on consolidated pay i.e. on 27.10.2004 with consequential service and monetary benefits with arrears of pay) in the light of the G.O.(3D) No.78, School Education (G2) Department dated 25.5.2012, G.O.(3D) No.35, School Education (Nee.Va.3(1)) Department dated 10.4.2014 and also the latest G.O.(3D) No.4, School Education (Nee.Va.3(1)) Department dated 21.1.2015 and on merits within a time frame stipulated by this Honourable Court.

WP No.6655 of 2015

Writ petition filed under article 226 of the constitution of India, praying this court for the issuance of writ of Mandamus directing the 1st respondent to dispose of the petitioners representation dated 24.11.2014 (which was given to the 1st respondent praying for regularisation of the petitioner initial services in Post of Secondary Grade Assistant Teacher with effect from the date of petitioner initial appointment on consolidated pay i.e. on 27.10.2004 with consequential service and monetary benefits with arrears of pay) in the light of the G.O.(3D) No.78, School Education (G2) Department dated 25.5.2012, G.O.(3D) No.35, School Education (Nee.Va.3(1)) Department dated 10.4.2014 and also the latest G.O.(3D) No.4, School Education (Nee.Va.3(1)) Department dated 21.1.2015 and on merits within a time frame stipulated by this Court.

WP No.6659 of 2015

Writ petition filed under article 226 of the constitution of India, praying this court for the issuance of writ of Mandamus Directing the 1st respondent to dispose of the petitioners representation dated 24.11.2014 (which was given to the 1st respondent praying for regularisation of the petitioner initial services in Post of Secondary Grade Assistant Teacher with effect from the date of petitioner initial appointment on consolidated pay i.e. on 28.9.2004 with consequential service and monetary benefits with arrears of pay) in the light of the G.O.(3D) No.78, School Education (G2) Department dated 25.5.2012, G.O.(3D) No.35, School Education (Nee.Va.3(1)) Department dated 10.4.2014 and also the latest G.O.(3D) No.4, School Education (Nee.Va.3(1)) Department dated 21.1.2015 and on merits within a time frame stipulated by this Honourable Court.

WEB COPY

WP No.6893 of 2015

Writ petition filed under article 226 of the constitution of India, praying this court for the issuance of writ of Mandamus Directing the 1st respondent to dispose of the petitioners representation dated 27.11.2014 (which was given to the 1st respondent praying for regularisation of the petitioners services in Post of Secondary Grade Assistant Teacher with effect from the date of petitioner initial appointment on

https://hcservices.ecourts.gov.in/hcservices/

consolidated pay i.e. on 27.10.2004 with consequential service and monetary benefits with arrears of pay) in the light of the G.O.(3D) No.78, School Education (G2) Department dated 25.5.2012, G.O.(3D) No.35, School Education (Nee.Va.3(1)) Department dated 10.4.2014 and also the latest G.O.(3D) No.4, School Education (Nee.Va.3(1)) Department dated 21.1.2015 and on merits within a time frame stipulated by this Honourabl Court.

WP No.7262 of 2015

Writ petition filed under article 226 of the constitution of India, praying this court for the issuance of writ of Mandamus Directing the 1st respondent to dispose of the petitioners representation dated 26.11.2014, (which was given to the 1st respondent praying for regularisation of the petitioners services in post of Secondary Grade Assistant Teacher with effect fro the date of the petitioners initial appointment on consolidated pay i.e. on 26.10.2004 with consequential service and monetary benefits with arrears of pay) in the light of the G.O.(3D). No.78, School Education (G-2) Department, dated 25.05.2012, G.O.(3D), No.35, School Education (Nee.Va.3(1) Department dated 10.4.2014 and also the latest G.O.(3D) No.4, School Education (Nee.Va.3(1) Department, dated 21.01.2015 and on merits.

WP No.7895 of 2015

Writ petition filed under article 226 of the constitution of India, praying this court for the issuance of writ of Directing the 1st respondent to dispose of the petitioners representation dated 24.11.2014, (which was given to the 1st respondent praying for regularisation of the petitioners services in post of Secondary Grade Assistant Teacher with effect for the date of the petitioners initial appointment on consolidated pay i.e. on 28.9.2004 with consequential service and monetary benefits with arrears of pay) in the light of the G.O.(3D). No.78, School Education (G-2) Department, dated 25.05.2012, G.O.(3D), No.35, School Education (Nee.Va.3(1) Department dated 10.4.2014 and also the latest G.O.(3D) No.4, School Education (Nee.Va.3(1) Department, dated 21.01.2015 and on merits within a time frame stipulated by this Honourable Court.

WEB COPY

WP No.7901 of 2015

Writ petition filed under article 226 of the constitution of India, praying this court for the issuance of writ of Directing the 1st respondent to dispose of the petitioners representation dated 26.11.2014, (which was given to the 1st respondent praying for regularisation of the petitioners services in post of Secondary Grade Assistant Teacher with effect from the date of the petitioners initial appointment on

https://hcservices.ecourts.gov.in/hcservices/

consolidated pay i.e. on 27.10.2004 with consequential service and monetary benefits with arrears of pay) in the light of the G.O.(3D). No.78, School Education (G-2) Department, dated 25.05.2012, G.O.(3D), No.35, School Education (Nee.Va.3(1) Department dated 10.4.2014 and also the latest G.O.(3D) No.4, School Education (Nee.Va.3(1) Department, dated 21.01.2015 and on merits within a time frame stipulated by this Honourable Court.

WP No.7902 of 2015

Writ petition filed under article 226 of the constitution of India, praying this court for the issuance of writ of Mandamus Directing the 1st respondent to dispose of the petitioners representation dated 27.11.2014, (which was given to the 1st respondent praying for regularisation of the petitioners services in post of Secondary Grade Assistant Teacher with effect from the date of the petitioners initial appointment on consolidated pay i.e. on 27.10.2004 with consequential service and monetary benefits with arrears of pay) in the light of the G.O.(3D). No.78, School Education (G-2) Department, dated 25.05.2012, G.O.(3D), No.35, School Education (Nee.Va.3(1) Department dated 10.4.2014 and also the latest G.O.(3D) No.4, School Education (Nee.Va.3(1) Department, dated 21.01.2015 and on merits within a time frame stipulated by this Honourable courrt.

For Appellant :: Mr.A.S.Kaizer
in all appeals

For Respondents :: Mr.C.Munusamy,
in all appeals Spl.GP (Edn.)

COMMON JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

The appellants herein have filed writ petitions to consider their representations filed on various dates in order to redress their grievance for regularisation of their service from the initial date of their respective appointment as Secondary Grade Assistant Teacher.

2.The initial appointment of the appellants were temporary and made on consolidated pay and subsequently their services were regularised and they are getting the service benefits from the date of their regular appointment. The grievance of the appellants is that regularisation should be given with retrospective effect from the date of their temporary appointment on consolidated pay.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

3.The learned single Judge after considering the facts and circumstances of the case, passed a common order on 06.07.2017 holding that retrospective regularisation cannot be granted to the appellants, but they are entitled for counting 50% of service rendered as temporary employees for the purpose of calculating the qualifying service for pension benefits alone, in accordance with the amended Rule 11 of Tamil Nadu Pension Rules, 1978, which is not even the prayer made by the appellants before the Writ Court.

4.Challenging the common order passed in the writ petitions, the present writ appeals have been filed in so far as the appellants herein are concerned.

5.The learned Special Government Pleader appearing for the respondents has submitted that the appellants herein were appointed as per G.O.Ms.No.100 School Education (Budget) Department dated 27.06.2003 and not under G.O.(3D) No.78 School Education (G2) Department dated 25.05.2012. He further submitted that the writ petitions were filed only to consider the representations of the appellants, but the order has been passed directing the authorities to take into consideration 50% of service rendered as temporary employees for the purpose of calculating the qualifying service for pension benefits.

6.After hearing both parties, we deem it fit to direct the respondents herein to consider the respective representations of the appellants in the light of the respective Government Orders, under which they were appointed and also taking note of the latest decisions laid down by the Hon'ble Supreme Court, and pass appropriate orders on the representations, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this judgment. The order passed by the learned single Judge in respect of the appellants herein is modified accordingly and the writ appeals are disposed of. No costs. Consequently the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

WEB COPY

//True copy//

Sub Assistant Registrar

KM

https://hcservices.ecourts.gov.in/hcservices/

To

1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai-600 009.

2.The Director of Elementary Education,
College Road, Chennai-600 006.

3.The District Elementary Educational Officer,
Tiruppur District, Tiruppur.

4.The Assistant Elementary Educational Officer,
Dharapuram Panchayat Union,
Dharapuram, Tiruppur District.

5.The Assistant Elementary Educational Officer,
Mulanur Panchayat Union,
Mulanur, Tiruppur District.

+1cc to Mr.A.S.Kaizer, Advocate SR.No.27754
+1cc to Government Pleader SR.No.27694

W.A.Nos.488 to 495 of 2018
and
C.M.P.Nos.4589 to 4595 of 2018

NRL(CO)
GN(15/05/2018)

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/