

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.503 of 2016,
CMP No.6866 and 19914 of 2016

- 1.The State of Tamilnadu
Rep. by its Secretary,
Fort St.George, Chennai - 600 009.
 - 2.The Director of School Education,
DPI Compound, College Road,
Chennai - 600 006.
 - 3.The Joint Director,
School Education
Higher Secondary, DPI Compound,
College Road, Chennai - 600 006.
 - 4.The Chief Educational Officer,
Vellore, Vellore District - 632 009.
 - 5.The District Educational Officer,
Tiruppattur, Vellore District 635 601.
- Appellants/Respondent

-vs-

- 1.C.Perianaygasamy
 - 2.The Secretary/Correspondent
Don Bosco Higher Secondary School,
Gandhinagar, Vellore - 632 006.
- Respondents/Petitioners

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against the order passed in W.P No.21192 of 2012 dated 10.07.2014.

Prayer in WP.No.21192/2012:Writ petition filed under Article 226 of the constitution of India for the issuance of a writ of mandamus directing the Respondents 1 to 3 to upgrade the post of Physical Education Teacher held by the Petitioner in the sixth Respondent School to the post of Physical Director Grade-1 from the year 1991 the day when te petitioner

qualified himself with post graduation degree in Physical Education or from 29.12.1997 the date of G.O.Ms.No.525 as this Honourable court deems fit and correct with seniority and all attendant benefits.

For Appellants : Mr.M.Karthikeyan
Addl.Govt.Pleader

For Respondents: Mr.C.Johnson for R1

C O M M O N J U D G M E N T

[Judgment of the Court was delivered by
K.K. SASIDHARAN, J.]

This intra court appeal is against the order dated 10 July 2014 in W.P.No.21192 of 2012 directing the appellants to upgrade the post of Physical Education Teacher in the 6th respondent institution and to post the first respondent as Physical Director Grade I with effect from 29 December 1997 in accordance with the Government Order in G.O.Ms.No.525 School Education Department.

2. The learned Additional Government Pleader by producing a copy of the order dated 11 March 2015 would submit that nothing survives for adjudication, in view of the compliance of the order passed by the learned single Judge, by the Government.

3. The learned counsel for the first respondent would submit that even though the Government have passed an order dated 11 March 2015 presumably to comply with the order passed by the learned single Judge, the fact remains that the benefits were not paid. The learned counsel by placing reliance on the copy of the order dated 12 April 2016 in Contempt Petition No.3259 of 2014 submitted that the learned single Judge has clarified his earlier order, which is impugned in the writ appeal by stating that by directing calculation of the benefits notionally, what was meant was to pay the entire benefits to the first respondent treating as if he had worked in the post of Physical Director Grade I from 29 December 1997. According to the learned counsel, the amount is yet to be paid to the first respondent.

4. The appellants have complied with the order passed by this Court by upgrading the post of Physical Education Teacher to that of Physical Director Grade I. However, inspite of the clarificatory order passed by the learned Judge, monetary benefits were not paid to the respondent. We therefore direct the appellants to pay the entire monetary benefits as indicated in the order dated 11 March 2015 and the clarificatory order dated 12 April 2016 to the first respondent, within a period of 12 weeks from the date of receipt of a copy of this judgment.

5. The writ appeal is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

svki

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary,
Fort St.George, Chennai - 600 009.
- 2.The Director of School Education,
DPI Compound, College Road,
Chennai - 600 006.
- 3.The Joint Director,
School Education
Higher Secondary, DPI Compound,
College Road, Chennai - 600 006.
- 4.The Chief Educational Officer,
Vellore, Vellore District - 632 009.
- 5.The District Educational Officer,
Tiruppattur, Vellore District 635 601.

+lcc to Mr.C.Johnson, Advocate Sr.No.37180

+lcc to Government Pleader Sr.No.37940

SKS(CO)

sm:4.7.2018

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W.A.No.503 of 2016

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