

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 28272 to 28274 of 2019

S.Mary Josephine Nirmala Petitioner in W.P.No. 28272 of 2019

G.Padma Sugantha Seelam Petitioner in W.P.No. 28273 of 2019

T.Helen Sarath Bai Petitioner in W.P.No. 28274 of 2019

Vs

1. The Secretary to Government,
Department of Elementary Education,
Fort St.George, Secretariat,
Chennai - 600 009.

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

3.The District Elementary Education Officer,
Nagercoil,
Kanyakumari District.

... Respondents in all Writ Petitions

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Mandamus, directing the 1st & 2nd respondents to act on the representation of petitioners letter of representation dated 02.05.2019, since the petitioners eligible for monetary benefits from the date of petitioner's regularisation dated 30.07.1997 & 28.07.1997 & 09.01.1998 respectively and grant such reliefs as this Court may deem fit and proper in the facts and circumstances of the case.

For Petitioners : Mr.S.Selvamany

For Respondents : Mr.C.Munusamy
Special Government Pleader
for Education
(in all Writ Petitions)

C O M M O N O R D E R

Since the prayers in the above Writ Petitions are one and the same, they are clubbed together and a common order is passed.

2. The case of the petitioners is that they were appointed as Secondary Grade Teachers on 30.07.1997, 28.07.1997 and 09.01.1998 respectively through employment exchange, subject to age relaxation. While the 3rd respondent forwarded for age relaxation to the 2nd respondent on the basis of G.O.1196, the 2nd respondent rejected the same with the contention that the said G.O. was meant for one time measure. Therefore, the applicants filed O.A. before the Tamil Nadu Administrative Tribunal, Chennai, challenging the show cause notice issued by the 3rd respondent. Since, the Tribunal was abolished, the matter was transferred to this Court. This Court on 01.04.2009, in W.P.No. 45954 of 2006 observed that G.O.No. 1196 was meant for all occasion and the petitioners' application was allowed. This Court also directed the 1st and 2nd respondents to regularise the appointment of the petitioners.

3. Subsequently, the 1st respondent issued G.O. regularising the appointment of the petitioners from the date of their appointment and consequently 3rd respondent issued a regularisation order granting monitory benefits from the date of G.O., not from the date of regularisation. The petitioners requested the monetary benefits to be granted from the date of regularisation i.e., from the date of appointment with retrospective effect. But the respondents failed to provide the monetary benefits. Therefore, the petitioners gave a representation to the respondents 1 to 3 for granting monetary benefits from the date of regularisation on 02.05.2019. Since the respondents are keeping the matter pending without issuing any order, the present writ petitions are filed.

4. The learned Special Government Pleader appearing for the respondents would submit that the Government of Tamil Nadu issued Government orders in G.O.(2D) No.7, School Education Department, dated 24.01.2011 and the petitioners made a representation challenging the said G.O which is not permissible in law.

5. Considering the facts and circumstances of the case, the Government of Tamil Nadu issued orders in G.O.(2D) No.7, School Education Department, dated 24.01.2011. However, the petitioners did not file any writ petition, when they were in service and the petitioners have now retired. Even thereafter, the

petitioners made representations only in the year 2018-2019. In these facts and circumstances, this Court is of an opinion that the prayer in the Writ Petitions cannot be granted.

6. Accordingly, the present writ petitions stand dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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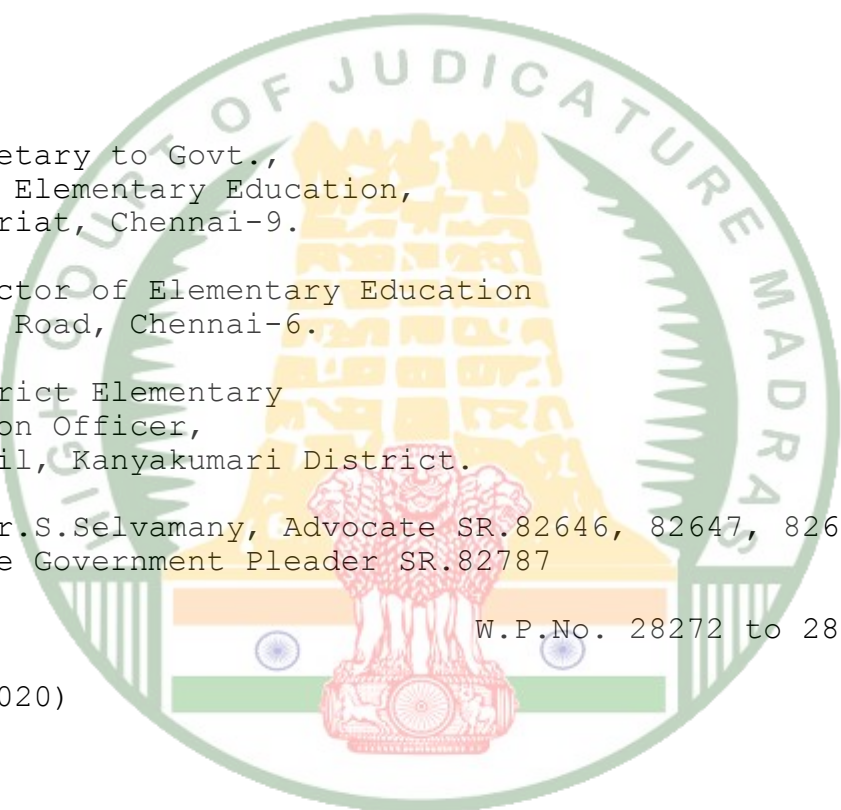
To

- 1.The Secretary to Govt.,
Dept of Elementary Education,
Secretariat, Chennai-9.
- 2.The Director of Elementary Education
College Road, Chennai-6.
- 3.The District Elementary
Education Officer,
Nagercoil, Kanyakumari District.

+3ccs to Mr.S.Selvamany, Advocate SR.82646, 82647, 82648
+1cc to the Government Pleader SR.82787

W.P.No. 28272 to 28274 of 2019

MR(CO)
CB(20/01/2020)



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