



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 23.07.2019

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

**W.P. (MD) Nos.15724, 15725, 15727 and 15728 of 2014**

|                |                                        |
|----------------|----------------------------------------|
| 1.N.Rajendran  | ... Petitioner in W.P.(MD).No.15724/14 |
| 2.K.Kathiresan | ... Petitioner in W.P.(MD).No.15725/14 |
| 3.R.Venkatesan | ... Petitioner in W.P.(MD).No.15727/14 |
| 4.M.Ponnusamy  | ... Petitioner in W.P.(MD).No.15728/14 |

Vs.

1.The Secretary to Government,  
School Education Department,  
Fort St. George,  
Chennai.

2.The Director of Elementary Education,  
DPI Campus,  
Chennai-6.

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

... Respondents in all W.Ps

**COMMON PRAYER:** Writ Petitions under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to regularize the service of the petitioners in the post of Secondary Grade Teacher w.e.f 28.09.2004 and to revise the scale of pay accordingly and further directing the respondents to pay the difference of salary between the regular time scale of pay and the consolidated pay between 28.09.2004 and 31.05.2006 for the post of Junior Grade Secondary Grade Teacher and secondary Grade Teacher with all attendant and other benefits including seniority to the petitioners.

For Petitioner in  
all W.Ps : Mr.B.Saravanan



For R1 to R3 in  
all W.ps : Mrs.S.Srimathi  
Special Government Pleader

**COMMON ORDER**

The relief sought for in the present writ petitions is for a direction to direct the respondents to regularize the service of the writ petitioners for the post of Secondary Grade Teacher with effect from 28.09.2004 and revise the scale of pay and further pay the difference of salary in the regular time scale of pay for the years from 2004 to 2006.

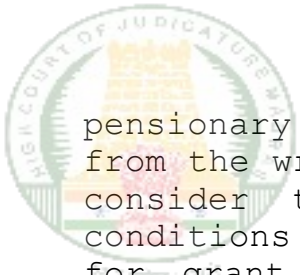
2.The writ petitioners were initially appointed as Secondary Grade Teachers on consolidated pay salary. However, after two years, the services of the writ petitioners were regularized vide proceeding dated 21.08.2006. Thereafter, the writ petitioners are working as regular employees in the sanctioned post in the time scale of pay.

3.The learned counsel for the writ petitioners state that the services of the writ petitioners ought to have been regularized with effect from the date of initial appointments. Thus, the writ petitioners are constrained to move the present writ petitions.

4.The learned Special Government Pleader appearing on behalf of the respondents state that admittedly the writ petitioners were appointed as Secondary Grade Teachers on consolidated basis with the salary of Rs.3000/- at Panchayat Union Elementary School. Thus, the initial appointments were not made in accordance with the Rules in force. However, considering the case of the writ petitioners, the benefit of regularization was granted with effect from the year 2006. Thus, the writ petitioners cannot seek any further concession seeking retrospective regularization with all monitory benefits.

5.This Court is of the considered opinion that admittedly, the petitioners were appointed on consolidated pay salary, further the services of the writ petitioners were regularized with effect from the year 2006. Thus, the benefit of retrospective regularization cannot be granted in view of the fact that the initial appointments of the writ petitioners were not made strictly in accordance with the recruitment Rules in force.

6.This being the factum, the relief as such sought for to grant retrospective regularization cannot be granted. However, the writ petitioners may be eligible to get the benefit of the counting of 50% of the services rendered by them on consolidated basis for the purpose of calculating the qualifying service for grant of pensionary benefits. However, in this regard, the writ petitioners are at liberty to submit a fresh representation to the competent authority with reference to Rule of 11(4) of the Tamil Nadu Pension Rules, 1978 for the counting of the 50% of the services for grant of



pensionary benefits alone, if any such representation is received from the writ petitioners, the competent authorities are directed to consider the same strictly in accordance with the terms and conditions stipulated in Rule 11(4) of the Tamil Nadu Pension Rules for grant of benefit of the counting of 50% of the services. However, the relief for retrospective regularization with monitory benefits cannot granted.

With these observations, these writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to Government,  
School Education Department,  
Fort St. George,  
Chennai.

2.The Director of Elementary Education,  
DPI Campus,  
Chennai-6.

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

+3CC to M/s.B.SARAVANAN, Advocate (,77432,77431,77434 dated  
25/07/2019 )

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**23.07.2019**

\_KK/SAR/16.08.2019/3P-7C/