

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2020

CORAM

THE HON'BLE Mr.JUSTICE N.ANAND VENKATESH

W.P.No.5084 of 2020

1. K.V.Saravanan
2. S.Mthialagan
3. M.Mahadevan
4. S.Sekar
5. E.Pugalenthi
6. P.Kannan
7. S.Sakthivelan
8. P.Saravanan
9. A.Rasario Santhappan
10. A.Vincent Thomas
11. K.Sampathkumar
12. S.Sankarganesh
13. N.Mayilvaganan
14. M.Sundravel
15. K.Jayalakshmi
16. A.Chitra
17. S.Sivagami
18. M.P.Sasirekha
19. S.Sheerja
20. K.Nithya
21. V.Nithya
22. P.Pushpa
23. K.Murugammal
24. M.Nalini
25. S.Uma
26. C.Annammal
27. N.Kanjana
28. K.Geetha
29. S.Jayanthi
30. R.R.Rajathi
31. M.Sagayarani
32. R.Radharamani
33. P.Veeramani
34. R.Kaveri
35. A.Murugavel
36. N.Kuppusamy
37. P.Mayilsamy
38. K.Azhakarasi
39. S.Palaniyammal
40. R.Jayarani
41. N.Dhanabalan
42. A.Nagarajan



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43. V.Mathaiyan
44. K.Subbulakshmi
45. K.Jayanthi
46. P.Dharanichitra
47. N.Lalitha
48. P.Kalpana
49. J.Meenatchi
50. T.Kalaimani
51. R.Vijaya
52. K.Prabavathi
53. S.Navamani
54. A.Shalini
55. G.Sathiya
56. N.Muthulakshmi
57. M.Manimegalai
58. S.Kamalasundari
59. A.Deepajansi Rani
60. P.Sagayarani
61. F.Josephine Mary
62. R.Mythili
63. S.Parimala
64. K.Radha
65. K.Umasankari
66. K.Anbuselvi
67. V.Meenatchi
68. P.Subhasini
69. V.Sumathi
70. M.Geethabai
71. S.Balasubramanian
72. A.Sumathi
73. M.Hemavathi
74. M.Malarvizhi
75. A.Prabakaran
76. A.Rajeswari
77. A.Sakila
78. K.Ghanaprakasham
79. S.Sivamalar
80. K.Vanitha
81. T.Sumathi
82. T.Umamaheswari
83. V.Ravikumar



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... Petitioners

-Vs-

- 1.State of Tamil Nadu,
rep. by its Secretary,
Department of School Education,
Fort St.George,
Chennai - 600 009.
- 2.The Director of School Education,
DPI Campus,
College Road,

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to regularize the services of the petitioners from their initial date of appointment i.e., from the date of entry into service till 01.06.2006 for the purpose of seniority, with all consequential, monetary and service benefits.

For Petitioners : Mr.S.Sathia Chandran

For Respondents : Mrs.V.Annalakshmi,
Government Advocate.

ORDER

The issue that is involved in this Writ Petition is that the petitioners were originally appointed as Post Graduate Teacher on Consolidated basis and, subsequently, they were brought on regular time scale of pay. However, their seniority was reckoned only from the date of regularisation and not from the date of initial appointment.

2. The above issue became the subject matter of challenge in several Writ Petitions and aggrieved by the orders passed by a learned Single Judge in one of the said Writ Petitions, an appeal came to be filed by the Government of Tamil Nadu, whereupon, the Hon'ble First Bench, in W.A.No.3904 of 2019, after considering the submissions made on either side, on 13.01.2020, was pleased to pass the following order :

"4. The learned counsel for the appellants/State submits that the promotion can only be from the date of regularisation and not from any date anterior to the date of regularisation. However, the learned counsel for the respondents/writ petitioners points out the specific admission that has been made by the appellants/State, in para 15 of the grounds of appeal, which reads as under :

" 15.The Learned Judge Justice ought to have considered that with regard to promotion of the respondents herein, among those Secondary Grade Teacher/B.T.Assistant/P.G.Teachers brought into regular time scale with effect from 01.06.2006 vide G.O.Ms.No.99, School Education Department, dated 27.06.2006, the date of initial appointments under contract

basis is taken into account already and no injustice caused to them."

5. In view of the statement made in para 15 of the grounds of appeal read with G.O.Ms.No.120, dated 18.07.2006, it is clear that the Government itself had agreed to grant the benefits of seniority from the date of initial appointment and all monetary benefits from the date of regularisation, which is from 01.06.2006.

6. The learned Single Judge has allowed the writ petition, directing the appellants herein to regularise the services of the respondents/writ petitioners from the date of entry into service for the purpose of seniority and extend all monetary benefits following thereof. The learned counsel for the respondents/writ petitioners concedes that the portion of the order which directs payment of monetary benefits from the date of appointment may be deleted. The learned counsel agrees that the seniority of the writ petitioners be reckoned from the date of initial appointment and monetary benefits be given from the date of regularisation, i.e., from 01.06.2006.

In view of the submissions made, the Writ Appeal is allowed in part to the extent mentioned above. No costs. Consequently, C.M.P.No.24538 of 2019 is closed."

3. Therefore, the issue involved in this Writ Petition is squarely covered by the Division Bench decision of this Court, referred to supra, wherein, the Division Bench has directed the seniority of the petitioners therein to be reckoned from the date of initial appointment and the monetary benefits to be given from the date of regularisation.

4. Following the above Division Bench decision of this Court, this Writ Petition is disposed of in similar terms, extending the same relief to the petitioners herein as well. No costs.

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Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

KMI

To

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

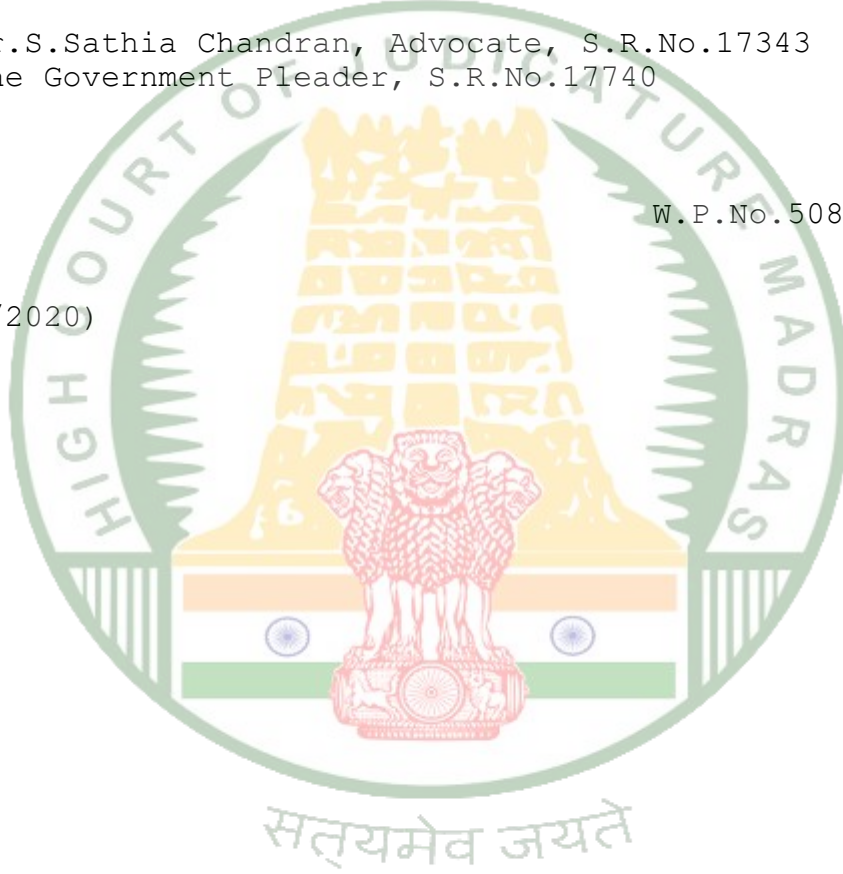
2.The Director of School Education,
DPI Campus,
College Road,
Chennai - 600 006.

+1cc to Mr.S.Sathia Chandran, Advocate, S.R.No.17343

+1cc to the Government Pleader, S.R.No.17740

W.P.No.5084 of 2020

RV(CO)
RSI(21/05/2020)



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