

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.NO.4986 of 2020

1. K. Muruganantham
 2. T. Rajendran
 3. P. Venkatesan
 4. U. Murugan
 5. V. Sakkaravarthi
- Petitioners

-Vs-

1. The State of Tamil Nadu
Rep. by its Principal Secretary to Government
School Education Department
Fort St. George, Secretariat, Chennai 600 009
 2. The Director of School Education
DPI Campus, College Road
Chennai 600 006.
- Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ, order, or direction more particularly a writ in the nature of Writ of Mandamus directing the first respondent to regularize the services of the petitioners from their initial date of appointments till 01.06.2006 with all consequential monetary and service benefits, within a time frame to be fixed by this Hon'ble Court.

For Petitioners :Mr. G. Sankaran

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 Junior P.G.Assistant 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.

3. The above judgment will apply to the facts of the present case also. In view of the same, there shall be a direction to the first respondent to regularize the service of the petitioners from the date of their initial appointment and monetary benefits shall be given to them from the date of their regularization.

4. This Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

bga

Copy to

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

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

+1cc to Mr.G.Sankaran, Advocate, Sr.No.17496
+1cc to Government Pleader, Sr.No.17739

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VBA (CO)
GS (26/05/2020)