



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2020

CORAM :

THE HONOURABLE MR. JUSTICE V. PARTHIBAN

W.P.No.5560 of 2020

1.M.P.Elumalai
2.L.Elumalai
3.D.Chandra Mohan

.. Petitioners

Vs.

1.The State of Tamil Nadu,
Represented 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 for issuance of a Writ of Mandamus directing the first respondent to regularise 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 Court.

For Petitioners : Mr.G.Sankaran

For Respondents : Mr.D.Raja
Government Advocate

O R D E R

The petitioners herein have approached this Court with the following prayer :

Writ of Mandamus directing the first respondent to regularise 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 Court.

2.When the matter was taken up for hearing, learned counsel for the petitioners would submit that the issue is



squarely covered by the decision of the Hon'ble First Bench of this Court in a Writ Appeal in W.A.No.3904 of 2019 dated 13.01.2020 and he would request this Court to pass orders in terms of the direction issued by the Hon'ble First Bench.

WEB COPY

3.Mr.D.Raja, learned Government Advocate, who takes notice for the respondents, would also agree that the issue is covered by the decision of the Hon'ble First Division Bench in the aforesaid Writ Appeal.

4.The Hon'ble First Bench has heard the matter and passed orders as under :

'3.Be that as it may, the learned Single Judge, after relying on a judgment of this Court dated 12.06.2017 in W.P.(MD)Nos.21316 and 21317 of 2015 (P.Karthikeyan and Anr., vs. The Commissioner, Most Backward and Denotified Communities Welfare Department, Chennai and Another), has allowed the writ petition.

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



WEB COPY

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.'

5.The Hon'ble First Bench has partly allowed the appeal in favour of the Government by restricting the financial benefits to be given only from the date of regularisation, i.e. 01.06.2006, and not from the date of initial appointment as ordered by the learned Single Judge.

6.The direction as issued in Paragraph No.6 of the judgment extracted above would cover the case of these petitioners also. Accordingly, this writ petition is allowed to the extent as indicated above by the Hon'ble Division Bench of this Court. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mkn

To

1.The Principal Secretary to Government,
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.19485
+1cc to the Government Pleader SR.19241

W.P.No.5560 of 2020

MR(CO)
CB(01/07/2020)