

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 22.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.17193 of 2014

1.Poul Joseph
2.C.Murugan
3.K.Santhi

... Petitioners

- Vs -

1.The Chief Educational Officer,
Villupuram.
2.The Headmaster,
Government Boys Higher Secondary School,
Kallakurichi.
3.The Regional Audit Officer,
Kovai, Education Department,
Coimbatore.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Certiorari, calling for the records of the third respondent in Na.Ka.No.077/E16/2014, dated 04.02.2014, quash the same.

For Petitioner : M/S.Dakshayani Reddy

For Respondents : Mr.S.Sureshkumar, G.A

ORDER

The petitioner has filed this writ petition, to call for the records of the third respondent in Na.Ka.No.077/E16/2014, dated 04.02.2014, quash the same, wherein the 3rd respondent has directed for deduction of amounts paid in excess to their entitlement, from the petitioners.

2.According to the petitioners, the 1st petitioner was appointed to the post of Secondary Grade Teacher with effect

from 01.03.2000 and his service was also regularised with effect from 01.03.2000 and he is presently working in Government Boys Higher Secondary School, Kallakurichi and he was eligible for selection grade as on 01.03.2000. The 2nd petitioner was originally appointed with effect from 13.01.1999 and his probation was declared on 12.01.2001 and he is presently working as B.T.Assistant in English in the Government High School, Asakkalathur, Villupuram District. The 3rd petitioner was originally appointed with effect from 11.01.1999 in Government Higher Secondary School, Thirunavalur, Villupuram district and his probation was declared on 11.01.2001 and he is qualified for selection grade with effect from 12.01.2009. According to the petitioners selection and special grade pay are granted to persons, who have completed 10 years and 20 years of service respectively, without any promotion. It is submitted that the Government accepted the recommendations of the VI pay Commission and issued G.O.Ms.No.234, dated 01.06.2009 whereby the pay scales of different Government employees were refixed by giving various fitment schedules. When the Government adopted the VI pay commission recommendations, the Government decided to do away with the scheme of selection grade and special grade and instead the said government order provided for 3% increase in the pay scale. It is submitted that the petitioners completed 10 years of service only after 01.01.2006 and the said G.O.Ms.No.234, dated 01.06.2009 having not provided for separate pay scale for selection grade and special grade, another Government Order in G.O.Ms.No.23, dated 12.01.2011 was issued. That Government order made it clear that the secondary grade teachers who are on grade pay of Rs.2800/- will be issued with a personal pay of Rs. 750/- per month and it also makes clear that the monetary benefit will accrue to the teachers from 01.01.2011 onwards. It is averment made by the petitioners that based on the said Government order, all the petitioners have been granted the special personal pay of Rs. 750/- with effect from 01.01.2011 onwards. The grant of the said personal pay on 01.01.2011 onwards was also approved by the 3rd respondent in the audit conducted in the year 2011 and the same has also been duly entered in the service register of the petitioners. The grievance of the petitioners is that after a lapse of 3 years and that too without any notice to the petitioners herein, the impugned order has been issued that the excess amount that has been specified therein should be deposited with the Government Treasury account. Hence the present writ petition.

3. When the matter is taken up for hearing, the learned Government Advocate appearing for the respondents produced a copy of the letter addressed to the first respondent, dated 02.02.2015 and submitted that though based on the audit objection, that impugned recovery order was passed, however

subsequently by letter dated 02.02.2015, order was issued and the respective school teachers were instructed to get the requisite order from the concerned Headmaster; therefore the relief sought for in this petition has been granted to the petitioners by way of this letter dated 08.07.2014.

4. Recording the said submission made by the learned Government Advocate appearing for the respondents the relief sought for by the petitioners having already been granted by the Government by issuing necessary communication, this writ petition is allowed. In the said circumstances, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jrs
To

1. The Chief Educational Officer,
Villupuram.
2. The Headmaster,
Government Boys Higher Secondary School,
Kallakurichi.
3. The Regional Audit Officer,
Kovai, Education Department,
Coimbatore.

+1cc to M/s.Dhakshayani Reddy, Advocate Sr.42831
+1cc to the Government pleader Sr.43011

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srg 11/02/2021

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