

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.01.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE
AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.A No.3904 of 2019

and

C.M.P.No.24538 of 2019

1. Government of Tamil Nadu
Represented by its Secretary,
School Education Department,
Fort St. George, Chennai - 600 009.
 2. The Director of School Education,
DPI Campus, College Road, Chennai - 600 006.
 3. The Director of Elementary Education,
School Education,
DPI Campus, College Road,
Chennai - 600 006.
- Appellants

-vs-

1. T. Kunju Krishnan
2. V. Vanithamani
3. R. Saradha
4. R. Lenin
5. N. Murugan
6. P. Ponpandi
7. M. Babu
8. G. Kamala
9. P.J. Josephine
- 10.K.A. Mary Jaya Sundari
- 11.T. Anandhajothi
- 12.M. Rajalakshmi
- 13.R. Ramyasri
- 14.R. Ganesan
- 15.P. Veeramani
- 16.S. Sankar Prakash
- 17.D. Doss
- 18.S. Venikatesulu
- 19.K. Govardhan
- 20.K.T. Eswaran
- 21.K. Amudha
- 22.M. Raman

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23.G. Ananthi
24.J. Mahalakshmi

.... Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 30.07.2019 passed in W.P.No.4991 of 2015 on the file of this Court.

WP.No. 4991 of 2015 dated 30/07/2019 : Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent herein to regularize the services of the petitioners from their initial dates of appointments till 01.06.2006 with all consequential monetary and service benefits.

For Appellants : Mr.C. Munusamy
Spl. Government Pleader

For Respondents/
Caveator : Ms.Dakshayanai Reddy

JUDGMENT

(Delivered by Subramonium Prasad,J.,)

The respondents/writ petitioners were appointed as Teachers on consolidated basis in the year 2004. By virtue of G.O.Ms.No.120, School Education (Va Se-2) Department, dated 18.07.2006, the respondents/writ petitioners were brought on regular time scale of pay from 01.06.2006. However, their seniority was to be reckoned as per the communal allotment rank as determined by the Teachers Recruitment Board.

2.The respondents/writ petitioners have filed the instant writ petition for the relief that their seniority must be reckoned from the date of their initial appointment and not from the date of regularisation, though the prayer made in the writ petition reads as under:

"Writ of Mandamus directing the 1st respondent herein to regularize the services of the petitioners from their initial dates of appointments till 1.6.2006 with all consequential monetary and service benefits"

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 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.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar

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To

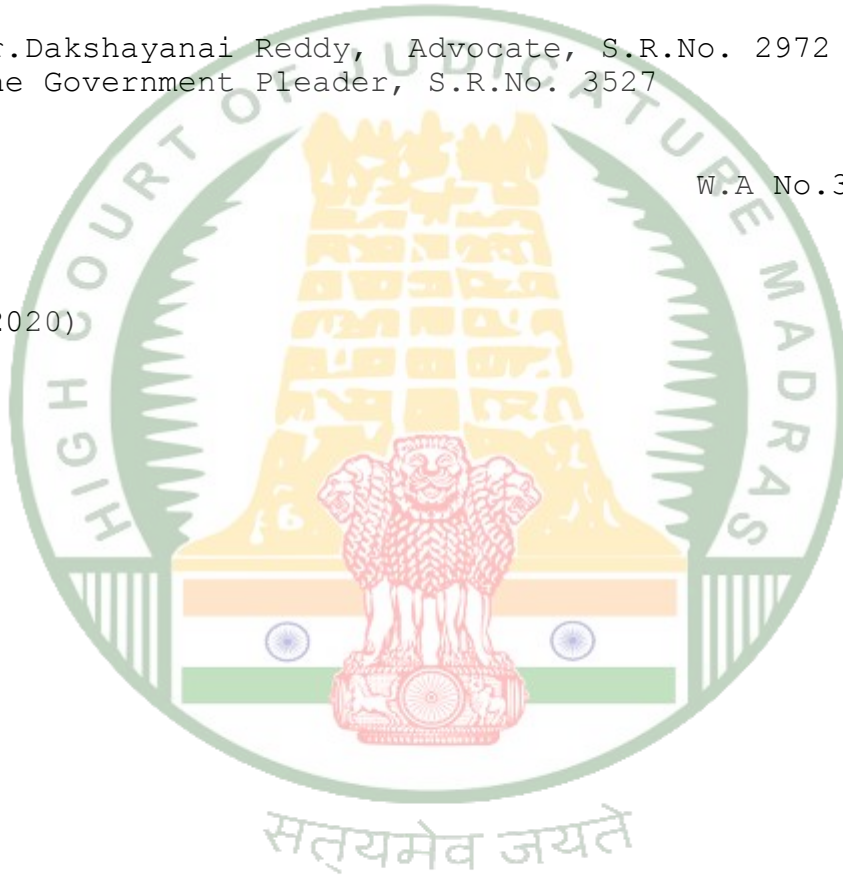
1. The Secretary to Govt. of Tamil Nadu,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
DPI Campus, College Road, Chennai - 600 006.
3. The Director of Elementary Education,
School Education, DPI Campus,
College Road, Chennai - 600 006.

+1cc to Mr.Dakshayanai Reddy, Advocate, S.R.No. 2972

+1cc to the Government Pleader, S.R.No. 3527

W.A No.3904 of 2019

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