



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]Nos.18612, 18613, 18616, 18618, 18619 and 18621 of 2020

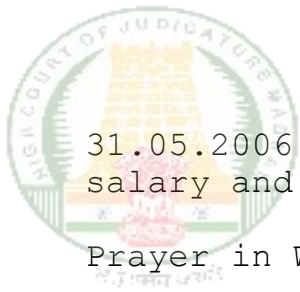
B.Sakthivel	: Petitioner W.P.[MD]No.18612 of 2020
D.Vasudevan	: Petitioner W.P.[MD]No.18613 of 2020
D.Selvakumar	: Petitioner W.P.[MD]No.18616 of 2020
M.Rengathurai	: Petitioner W.P.[MD]No.18618 of 2020
V.Paramasivam	: Petitioner W.P.[MD]No.18619 of 2020
E.Senthil Kumar	: Petitioner W.P.[MD]No.18621 of 2020

Vs.

1. The Government of Tamilnadu,
Rep by its Principal Secretary,
Department of School Education,
Fort St.George, Secretariat,
Chennai.
 2. The Director of School Education,
D.P.I Campus, College Road,
Nungambakkam,
Chennai-600 006.
 3. The Chief Educational Officer,
Trichy,
Trichy District.
 4. The District Educational Officer,
Trichy, Trichy District.
 5. Mukkulathore Higher Secondary School,
Rep by its Secretary,
Thiruverumbur,
Trichy-620 013.
- : Respondents in all Wps.

Prayer in WP(MD). 18612/ 2020 : : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to take into account the petitioner's services as B.T.Assistant (Science) from 31.03.2004 to

<https://hcservices.ecourts.gov.in/hcservices/>



31.05.2006 notionally for the purpose of seniority and fixation of salary and pay the monetary benefits with effect from 01.06.2006.

Prayer in WP(MD). 18613/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the respondents 1 to 4 to take into account the petitioners services as Physical Education Teacher from 31.03.2004 to 31.05.2006 notionally for the purpose of seniority and fixation of salary and pay the monetary benefits with effect from 01.06.2006.

Prayer in WP(MD). 18616/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the respondents 1 to 4 to take into account the petitioners services as B.T. Assistant (Science) from 23.12.2005 to 31.05.2006 notionally for the purpose of seniority and fixation of salary and pay the monetary benefits with effect from 01.06.2006.

Prayer in WP(MD). 18618/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the respondents 1 to 4 to take into account the petitioners services as B.T. Assistant (Science) from 31.03.2004 to 31.05.2006 notionally for the purpose of seniority and fixation of salary and pay the monetary benefits with effect from 01.06.2006.

Prayer in WP(MD). 18619/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the respondents 1 to 4 to take into account the petitioners services as B.T. Assistant (Science) from 31.03.2004 to 31.05.2006 notionally for the purpose of seniority and fixation of salary and pay the monetary benefits with effect from 01.06.2006.

Prayer in WP(MD). 18621/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the respondents 1 to 4 to take into account the petitioners services as P.G. Assistant (Chemistry) from 08.03.2005 to 31.05.2006 notionally for the purpose of seniority and fixation of salary and pay the monetary benefits with effect from 01.06.2006.

For Petitioner : Mr.M.Saravanan

For R-1 to R-4 : Mr.N.Shanmugaselvam
Additional Government Pleader



COMMON ORDER

These Writ Petitions have been filed by the petitioners to direct the respondents 1 to 4 to take into account the petitioners' services as B.T.Assistant from their initial dates of appointments to 31.05.2006 notionally for the purpose of seniority and fixation of salary and pay the monetary benefits with effect from 01.06.2006.

2.It is the case of the petitioners that they were appointed as B.T.Assistant on consolidated pay under G.O.(Ms) No.100, School Education Department, dated 27.06.2003. Subsequently, by virtue of G.O(Ms) No.99, School Education Department, dated 27.06.2006, the first respondent has granted time scale of pay to the petitioners with effect from 01.06.2006. Thereafter, the fourth respondent has issued necessary proceedings and paid time scale of pay with effect from 01.06.2006.

3.The main contention of the petitioners is that the petitioners' original dates of appointments were not taken into consideration for the purpose of seniority and fixation of salary and pay the monetary benefits with effect from 01.06.2006. In support of their contentions, the petitioners referred the judgment of the Hon'ble Division Bench of this Court in W.A.No.3904 of 2019 dated 13.01.2020, wherein it was held that the teachers are entitled to get the benefits notionally for the purpose of seniority and fixation of salary and pay the monetary benefits with effect from 01.06.2006.

4.The learned Additional Government Pleader appearing for the respondents 1 to 4 would fairly submit that in a similar writ petitions, this Court has passed an order to count the service of the teachers from their initial dates of appointments to 01.06.2006 notionally for the purpose of seniority and fixation of salary and pay the monetary benefits with effect from 01.06.2006.

5.Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents 1 to 4.

6.An identical issue came up for consideration before the Hon'ble Division Bench of this Court in W.A.No.3904 of 2019, wherein it was held as follows:-

6.The learned Single Judge has allowed the writ petition, directing the appellants herein to regularize 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.

7. On perusal of the said judgment, it appears that this Court has passed an order to approve the appointment of the teachers to regularize the service from the date of initial appointment and monetary benefits be given from the date of regularization i.e., from 01.06.2006. In view of the above, this Court directs the respondents 1 to 4 to take into account the petitioners' services as B.T. Assistant from their initial dates of appointments to 31.05.2006 notionally for the purpose of seniority and fixation of salary and pay the monetary benefits with effect from 01.06.2006 within a period of eight weeks from the date of receipt of a copy of this order, on merits and in accordance with law.

8. With the above directions, this Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (A.E)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Principal Secretary,
Government of Tamilnadu,
Department of School Education,
Fort St. George,
Secretariat,
Chennai.
2. The Director of School Education,
D.P.I Campus, College Road,
Nungambakkam,
Chennai-600 006.



3. The Chief Educational Officer,
Trichy,
Trichy District.

4. The District Educational Officer,
Trichy,
Trichy District.

+1cc to the Spl GP SR.No.27032.

+6CCs to Mr.R.Subramanian, Advocate, SR.No.26981.

W.P.[MD]Nos.18612, 18613, 18616,
18618, 18619 and 18621 of 2020
22.12.2020

SE (CO)

CS (07.01.2021) 5P 12C