

W.P.No.10189 of 2021

M. GOVINDARAJ, J.

This matter is listed today under the caption “for being mentioned” at the instance of the learned counsel appearing for the petitioners.

2. When the matter is taken up, the learned counsel appearing for the petitioners would submit that a direction should be issued to the first respondent instead of the fifth respondent.

3. Accordingly, the order dated 28.04.2021 made in W.P.No.10189 of 2021 is modified to the extent that a direction is issued to the first respondent to consider the representation of the petitioner.

Registry is directed to carryout the correction as stated above in paragraph No.5 of the order and issue a fresh order copy to the parties on or before 17.06.2021.

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15.06.2021

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M. GOVINDARAJ, J.

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W.P.No.10189 of 2021

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15.06.2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2021

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.10189 of 2021

- 1.C.Dhanapal
- 2.S.Jahangeer Hussain
- 3.V.Chokkar
- 4.N.Mangalanathan
- 5.P.Palanisamy
- 6.P.Ravi Kumar
- 7.K.Jansi
- 8.S.Periyasamy
- 9.M.Kabilan
- 10.A.Balasubramanian

... Petitioners

Vs.

- 1.The Government of Tamil Nadu,
Rep.by its Secretary to Government,
School Education Department,
Secretariat, Chennai – 600 009.

- 2.The Director of School Education,
College Road,
Chennai – 600 006.

- 3.The Joint Director of School Education,
College Road,
Chennai – 600 006.

- 4.The Chief Educational Officer,
Madurai District,
Madurai – 2.

5.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.

6.The Chief Educational Officer,
Virudhunagar,
Virudhunagar District.

7.The Chief Educational Officer,
Theni, Theni District.

8.The Chief Educational Officer,
Karur, Karur District.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India praying to issue a writ of mandamus, directing the respondents to extend the benefits of the G.O.(2D) No.7, School Education Department, dated 23.02.2012 and G.O.(2D) No.158, School Education Department, dated 13.11.2015 and G.O.(2D) No.3 to 6, School Education Department, dated 11.02.2021 to fix the Regular Time Scale of pay of the petitioners in the cadre of vocational Instructor Grade – I with effect from 20.09.1996 without monetary benefits to the petitioners, in the light of the order passed by this Hon'ble High Court in W.P.No.19686 of 2014 in order dated on 25.02.2015, and W.P.No.32391 & 32394 of 2014 dated 05.07.2015.

For Petitioner

: Mr.S.Mani

For Respondents

: Mr.P.V.Selvakumar
Additional Government Pleader

ORDER

Mr.P.V.Selvakumar, learned Additional Government Pleader takes notice on behalf of the respondents. By consent, the Writ Petition is taken up for final disposal.

2. The petitioners are appointed as Part Time Vocational Instructors on 28.06.1993. In the light of the G.O.Ms.No.74, School Education Department, their services were regularized with effect from 10.06.2002. Thereafter, on 20.03.2007, as per G.O.Ms.No.69, Education Department, their posts were upgraded as Vacation Instructor Grade – I, with effect from 10.06.2002 and monitory benefits from 08.07.2004. Since the monitory benefits were not paid in the light of the Government Order, similarly placed persons have approached this Court and this Court allowed the writ petitions and regularized the services from the appropriate date given on notional basis and actual monetary benefits from 01.07.2004. However, in the case of the petitioners, such benefits were not granted. Therefore, the petitioners approached this Court for appropriate relief.

3. It is noted that in W.P.Nos.19686 to 19688 of 2015 dated 25.02.2015, this Court directed the respondents to consider the claim made by the petitioner for retrospective regularization in the light of the order in G.O.(2D) No.7 School Education Department, dated 23.02.2012. It is made clear that no monetary benefits would be given to the petitioner and retrospective regularization would be for the purpose of counting the total service for other purposes. Thereafter, many of the similarly placed persons approached this Court in W.P.Nos.32391 to 32394 of 2015, wherein this Court by its order dated 05.07.2018, allowed the prayers and granted regularization and actual monetary benefits from 08.07.2004. In the case of the petitioner only, such benefits were not granted. Aggrieved over the same, the petitioners are before this Court.

4. Heard the submissions made on either side and perused the materials available on record.

5. Considering the facts and circumstances of the case, a direction is issued to the fifth respondent to consider the representation of the petitioners dated 16.02.2021, in the light of the above judgment as well as the Government Orders and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs.

28.04.2021

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Index: Yes/No

Internet: Yes/No

Speaking Order/Non Speaking Order

To

1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai – 600 009.

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

3. The Joint Director of School Education,
College Road,
Chennai – 600 006.

4. The Chief Educational Officer,
Madurai District,
Madurai – 2.

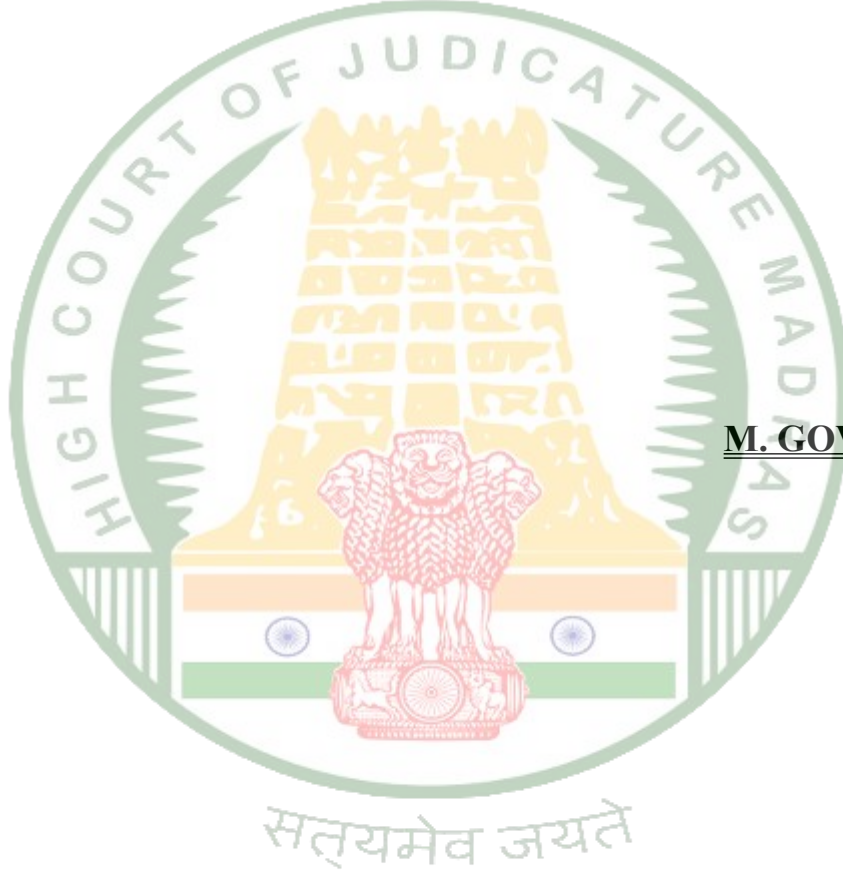
5. The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.

6. The Chief Educational Officer,

Virudhunagar,
Virudhunagar District.

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Theni, Theni District.

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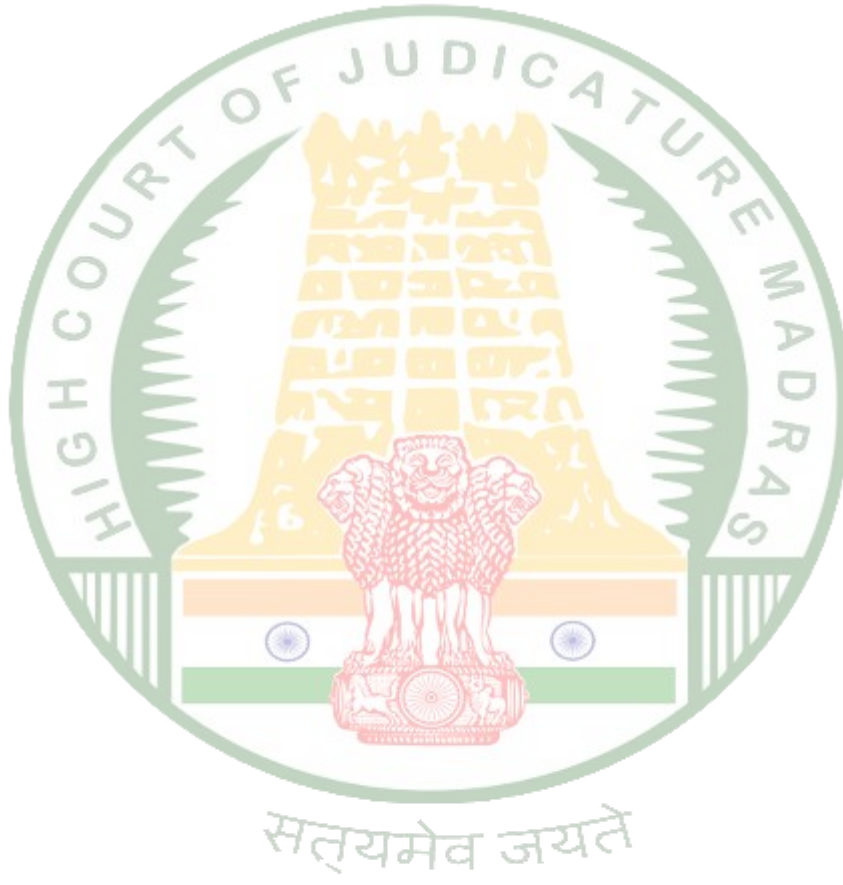
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