



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.[MD]No.1038 of 2020

and

C.M.P(MD) No.5673 of 2020

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
St. George Fort, Chennai-600 009.
 - 2.The Director of Elementary Education,
Chennai-600 006.
 - 3.The District Elementary Educational Officer,
Ramanathapuram District.
 - 4.The Headmaster,
Government High School,
Kalaiyur, Ramanathapuram District.
 - 5.The Assistant Elementary Educational Officer,
Paramakudi. ... Appellants/Respondents
- Vs.
- G.Jeyakannan ... Respondent/Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 11.02.2020 made in W.P(MD) No.16802 of 2015 and allow the Writ Appeal.

Prayer in WP(MD). 16802/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issued a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 4th respondent in his proceedings in Aa.thi.Umu.no.8/2015 dated 22.01.2015 and quash the same and consequently direct the respondent to sanction personal pay Rs.750/- notionally with effect from 01.01.2006 and monetary benefits with effect from 01.01.2011 as per G.O.Ms.No.23 Finance (Pay Cell) Department dated 12.01.2011.

For Appellants : Mr.R.Baskaran

Standing Counsel for Government

For Respondent : Mr.V.Paneer Selvam



JUDGEMENT

[Judgment of the Court was made by **T.S.SIVAGNANAM, J.**]

This Writ Appeal by the State is directed against the order dated 11.02.2020, in W.P(MD).No.16802 of 2015, filed by the respondent herein.

2.The said Writ petition was filed to quash the order passed by the second appellant dated 22.01.2015 and to direct the appellants to sanction personal pay of Rs.750/- notionally with effect from 01.01.2006 and monetary benefits with effect from 01.01.2011 as per G.O.Ms.No.23 Finance (Pay Cell) Department, dated 12.01.2011. The Writ petition was allowed following the order passed in W.P(MD).No.19240 of 2014, dated 02.01.2018, in the case of *A.Chandra Mohan Vs. The Secretary to Government, School Education Department and three others*. As against the said order, the State filed the appeal in W.A(MD).No.962 of 2018 and the Writ Appeal was dismissed with the following observations:

"3.We have elaborately heard Mrs.S.Srimathy, learned Special Government Pleader appearing for the appellants and Mr.T.Pon Ramkumar, learned counsel appearing for the respondent/writ petitioner.

4. The ground canvassed before us is that G.O.Ms.No.270, Finance (Pay Cell) Department, dated 26.08.2010 provides that a Secondary Grade Teacher is entitled to special allowance of Rs.500/- per month only from 01.08.2010 and on the said date, the respondent/writ petitioner was not a Secondary Grade Teacher. It is further contended that G.O.Ms.No.23, Finance (Pay Cell) Department, dated 12.01.2011 provides for enhancement of special allowance to Secondary Grade Teachers from Rs.500/- to Rs.750/- as personal pay, that too, only from 01.01.2011. The date on which, the petitioner was not a Secondary Grade Teacher, as he was already promoted as BT Assistant on 02.06.2010. This submission was considered by the learned Single Bench and found that G.O.Ms.No.270, Finance (Pay Cell) Department, dated 26.08.2010 was given notional effect from 01.01.2006 and monetary benefits was extended to the Secondary Grade Teacher with effect from 01.08.2010. It is not in dispute that as on the said date, viz., 01.08.2010, the respondent/Writ Petitioner was not working as Secondary Grade Teacher, but was promoted as BT Assistant on 02.06.2010.

5. In such circumstances, merely because, an anterior date was fixed for grant of monetary benefits in G.O.Ms.No.270, Finance (Pay Cell) Department, dated 26.08.2010, will not be a ground to deny notional benefit



to the respondent/writ petitioner as provided in G.O.Ms.No.270, Finance (Pay Cell) Department, dated 26.08.2010. If such is the conclusion, then equally the enhanced notional benefit in terms of G.O.Ms.No.23, Finance (Pay Cell) Department, dated 12.01.2011 will also notionally accrue to the respondent/writ petitioner.

6. Thus, the conclusion arrived at by the learned Single Judge is perfectly in order and the learned Single Bench also rightly denied the monetary benefits to the respondent/writ petitioner though there was such a prayer in the writ petition.

7. Hence, for the above reasons, we find no grounds to interfere with the order passed by the learned Single Judge.

8. Accordingly, this Writ Appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed".

3. The above decision will squarely apply to the case on hand. The only distinction being in the said case of A.Chandra Mohan, the prayer sought for in the Writ petition was for Writ of Mandamus, but whereas in the instant case, it was for the Writ of Certiorarified Mandamus because the claim was rejected. In any event, the issue involved in the matter has been decided against the State in the above appeal. Therefore, following the said decision, this Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

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