



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.12.2021**

CORAM:

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THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P.(MD)No.2607 of 2018

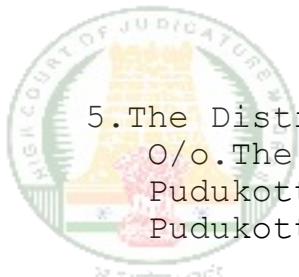
W.M.P.(MD).Nos.2802 & 2803 of 2018

1.A.Sahaya Diraviam
2.M.Julie Christie
3.A.Devadas
4.R.Samayadurai
5.V.Kannan
6.R.Sakthivel
(*) 7.N.Thanabalan
8.T.Thasan
9.K.Jeyamurugan
10.M.Arokia Vimalraj
11.A.David
12.S.Pushparani
13.P.Sara Gnanarathina Thenmozhi
(The impleaded R6 to R12 are impleaded as
Petitioner P7 to P13 as per the order of this
Court Dated 4.02.22 by ASMJ)

...Petitioners

/Vs./

- 1.The State of Tamil Nadu
Rep.by the Principal Secretary,
Finance (Pay Cell) Department,
Secretariat, St.George Fort,
Chennai-9.
- 2.The State of Tamil Nadu
Rep.by the Principal Secretary,
Department of School Education,
Secretariat, St.George Fort,
Chennai-9.
- 3.The Director,
Department of Elementary School Education,
College Road,
Chennai-6.
- 4.The District Elementary Education Officer,
O/o.The District Elementary Education Officer,
Sivagangai District.



5.The District Elementary Education Officer,
O/o.The District Elementary Education Officer,
Pudukottai,
Pudukottai District.

...Respondents

R6 to R12 are impleaded as per the order of this Court dated 01.12.2021 in W.M.P.(MD).No.3487 of 2021 in W.P.(MD).No.2607 of 2018.

(*)Re arrayed as petitioners 7 to 13 as per order dated 04.02.2022**

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in G.O.Ms.No.23, Finance (Pay Cell) Department dated 12.01.2011 issued by the respondent No.1 in so far as extend the benefit of Personal Pay Rs.750/- to the Secondary Grade Teachers with effect from 01.01.2011 instead of 01.01.2006 and consequential impugned order in Letter No.24220/Nee.Va.2(2)/2016-2 dated 12.01.2017 on the file of the respondent No.2 and quash the same as illegal and consequently, directing the respondents to extend the benefit of Personal Pay to the petitioners with effect from 01.01.2006 instead of 01.01.2011.

For Petitioners 1 to 6: Mr.I.Pinaygash

For Petitioners 7 to 13: Mr.K.Dinesh

For Respondents : Mr.A.K.Manikkam
Special Government Pleader
for RR1 to 5

ORDER

Six writ petitioners are before this Court, who were appointed as Secondary Grade Teachers, on various dates as follows:

<i>Rank of the petitioners before this Court</i>	<i>Date of appointment</i>	<i>Date of Promotion</i>
<i>1st petitioner</i>	<i>05.02.2007</i>	<i>02.06.2010</i>
<i>2nd petitioner</i>	<i>01.03.2001</i>	<i>02.08.2010</i>
<i>3rd petitioner</i>	<i>06.02.2002</i>	<i>05.11.2007</i>
<i>4th petitioner</i>	<i>19.10.2004</i>	<i>02.06.2009</i>
<i>5th petitioner</i>	<i>15.09.1999</i>	<i>03.01.2007</i>
<i>6th petitioner</i>	<i>06.09.1999</i>	<i>02.06.2009</i>



2. The petitioners rely on G.O.Ms.No.23, Finance (Pay Cell) Department dated 12.01.2011 which revised the pay scale of Head Master of Higher Secondary Schools and BT Assistants with effect from 01.01.2006 notionally, granting them monetary benefits with effect from 01.01.2011.

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3. This Government Order, however, had omitted to consider the case of Secondary Grade Teachers, who had been in employment for the period from 01.01.2006 to 31.06.2010. Thus, the writ petitioners filed writ petition in W.P.(MD).No.11858 of 2015 seeking benefit of personal pay with effect from 01.01.2006 instead of 01.01.2011 as stated in G.O.Ms.No.23, Finance (Pay Cell) Department dated 12.01.2011.

4. The writ petition was disposed by this Court on 03.08.2016 with a direction to the respondents to consider the representation made and the impugned order has come to be passed on 12.01.2017 rejecting the petitioners' claim. Hence this writ petition.

5. The petitioners rely on an order passed in W.P.(MD).No.19240 of 2014 dated 02.01.2018 where a similar prayer has been made by an identical placed secondary grade teacher. The learned Single Judge, in conclusion, allowed the writ petition referring to G.O.Ms.No.270, Finance (Pay Cell) Department dated 26.08.2010 as well as G.O.Ms.No.23, Finance (Pay Cell) Department dated 12.01.2011. This order stands confirmed in W.A.(MD).No.962 of 2018, on 29.04.2021.

6. Following the implementation of the sixth pay commission's recommendations, pay anomalies that resulted for the resolution of which the State constituted a One Man Commission under G.O.Ms.No.444, Finance (PC) Department dated 09.09.2009.

7. A recommendation was made for grant of special allowance of a sum of Rs.500/- per month and this recommendation had come to be accepted by the State under G.O.Ms.No.270, Finance (Pay Cell) Department dated 26.08.2010. The amount was thereafter enhanced to a sum of Rs.750/-.

8. Both the aforesaid Government Orders would grant the benefit notionally with effect from 01.01.2006, with monetary pay-out to be effected from 01.08.2010 and 01.01.2011 respectively. The petitioners, in the present case, have been promoted as BT Assistants prior to 26.08.2010.

()9. "In light of the aforesaid settled position, all petitioners, barring P12 are entitled to the relief sought. The impugned order is set aside and all consequential relief shall be given to the petitioners within a period of six weeks from date of receipt of a copy of this order."**



10. This writ petition is, accordingly, allowed. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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(*) () (***) Amended as per order of this Court dated 4/02/2022**

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/ /2022

Sub Assistant Registrar(CS)

ssb

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 State of Tamil Nadu
Rep.by the Principal Secretary,
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Secretariat, St.George Fort,
Chennai-9.
- 2.The State of Tamil Nadu
Rep.by the Principal Secretary,
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- 3.The Director,
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- 4.The District Elementary Education Officer,
O/o.The District Elementary Education Officer,
Sivagangai District.
- 5.The District Elementary Education Officer,
O/o.The District Elementary Education Officer,
Pudukottai,
Pudukottai District.



+1 CC to M/s.SPL GP (SR-36987[F] dated 02/12/2021)

+13 CC to M/s.I.PINAYGASH, Advocate (SR-37280,36966[[F] dated 03/12/2021)

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W.P. (MD)No.2607 of 2018

Dated:

01.12.2021

RK(07/04/2022) 5P 20C