



WEB COPY

W.A.(MD) No.962 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2021

CORAM

THE HON'BLE MR.JUSTICE T. S. SIVAGNANAM
and
THE HON'BLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.962 of 2018
and C.M.P. (MD)No.6393 of 2018

1.The Secretary to Government,
School Education Department,
Fort St. George, Chennai.

2.The Director of Elementary Education,
College Road, Chennai - 6.

3.The District Elementary Educational Officer,
Karur, Karur District.

4.The Assistant Elementary Educational Officer,
Thanthoni Union, Karur District.

...Appellants/Respondents 1 to 4

-Vs-

A.Chandra Mohan

...Respondent

Prayer: Writ Appeal filed under Clause 15 of Letter Patent against the order dated 02.01.2018 made in W.P.(MD)No.19240 of 2014.

Prayer in WP(MD). 19240 of 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the respondents 3 and 4 herein to pay a Personal Pay of sum of Rs.750 with notional effect from 1.1.2006 and with monetary benefit from 1.1.2011 with attended benefits as per G.O.Ms.No.23 Finance (Pay Cell) department dated 12.1.2011 to the petitioner herein.

For Appellants : Mrs.S.Srimathy
Special Government Pleader

For Respondent : Mr.T.Pon Ramkumar



JUDGMENT

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

This Writ Appeal by the State is directed against the order dated 02.01.2018 made in W.P.(MD)No.19240 of 2014.

2. The said Writ Petition was filed by the respondent herein praying for issuance of a Writ of Mandamus to direct the appellants, third appellant in particular, to pay personal pay of Rs.750/- with notional effect from 01.01.2006 and with monetary benefit from 01.01.2011 with attendant benefits by applying G.O.Ms.No.23, Finance (Pay Cell) Department, dated 12.01.2011. The Writ Petition was partly allowed by granting notional pay to the respondent and denying the monetary benefits. Aggrieved by the said order, the State is before us by way of this appeal.

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.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

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Sub Assistant Registrar(CS)

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To

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+1 CC to M/s.GP (SR-18350[F] dated 03/05/2021)

+1 CC to M/s.T.PON RAM KUMAR, Advocate SR-18334[F] dated 03/05/2021

W.A. (MD) No. 962 of 2018

and C.M.P. (MD) No. 6393 of 2018

29.04.2021

TP(CO)

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