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W.A.No.1252 of 2018, etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01..12..2022

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice M.DHANDAPANI

Writ Appeal Nos.1252, 482, 543, 1037,
1213, 1219, 1253 of 2018
and
Writ Appeal No.269 of 2017
and
C.M.P.Nos.10324, 10325, 4529, 4530, 5289, 5290,
8675, 8676, 9860, 9861, 9960, 9961, 10326, 10327 of 2018,
C.M.P.Nos.4213 & 4214 of 2017

1.The State of Tamil Nadu,
Rep. by its Secretary,
Home Department,
Fort St. George, Chennai 600009.

2.The Director i/c,
Forensic Sciences Department,
Kamarajar Salai,
Mylapore, Chennai 600004.

..... Appellants in all Writ Appeals

-Versus-

1.V.Annammal Mary Stella



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2.The Principal Accountant General (A & E),
Pension 4 Section,
361, Anna Salai, Teynampet,
Chennai 600018.

.... Respondents in W.A.No.1252 of 2018

1.M.T.Yuvanesan

2.The Principal Accountant General (A & E),
Pension 4 Section,
361, Anna Salai, Teynampet,
Chennai 600018.

..... Respondents in W.A.No.482 of 2018

1.Lakshmi Balasubramanian

2.The Principal Accountant General (A & E),
Pension 4 Section,
361, Anna Salai,
Teynampet,
Chennai 600018.

..... Respondents in W.A.No.543 of 2018

1.Vimali Thiagarajan

2.The Principal Accountant General (A & E),
Pension 4 Section,
361, Anna Salai,
Teynampet,
Chennai 600018.

..... Respondents in W.A.No.1037 of

2018

R.Banumathy

..... Respondents in W.A.No.1213 of 2018

1.Tmt.Karpagam Badragiri

2.The Principal Accountant General (A & E),
Pension 4 Section,
361, Anna Salai, Teynampet,



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Chennai 600018.
1.V.Geethalakshmi

..... Respondents in W.A.No.1219 of 2018

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2.The Principal Accountant General (A & E),
Pension 4 Section,
361, Anna Salai,
Teynampet,
Chennai 600018.

..... Respondents in W.A.No.1253 of 2018

Mrs.V.Karpagam

..... Respondent in W.A.No.269 of 2017

Prayer in W.A.No.1252 of 2018: Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 14.07.2016 made in W.P.No.31555 of 2013.

Prayer in W.A.No.482 of 2018 : Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 14.07.2016 made in W.P.No.854 of 2014.

Prayer in W.A.No.543 of 2018: Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 14.07.2016 made in W.P.No.26682 of 2013.

Prayer in W.A.No.1037 of 2018: Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 14.07.2016 made in W.P.No.29435 of 2013.



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Prayer in W.A.No.1213 of 2018: Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 14.07.2016 made in W.P.No.17870 of 2013.

Prayer in W.A.No.1219 of 2018: Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 14.07.2016 made in W.P.No.8998 of 2013.

Prayer in W.A.No.1253 of 2018: Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 14.07.2016 made in W.P.No.26683 of 2013.

Prayer in W.A.No.269 of 2017: Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 14.07.2016 made in W.P.No.28023 of 2013.

*For Appellants : Mr.LSM. Hasan Fizal,
Additional Government Pleader
for Appellants in all Writ Appeals*

*For Respondents : Mr.L.Chandrakumar for R1 in
Writ Appeal Nos.1252, 482, 543,
1037, 1219 & 1253 of 2018
and for sole respondent in
W.A.No.1213 of 2018 and
W.A.No.269 of 2017*

*Mr.V.Vijay Shankar for R2 in Writ
Appeal Nos.1252, 482, 543, 1037,
1219 & 1253 of 2018*



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COMMON JUDGEMENT

[Order of the Court was made by P.N.PRAKASH.J.,]

Challenging the common order 14.07.2016 passed by a learned single Judge of this Court in W.P.Nos.31555, 26682, 29435, 17870, 8998, 26683, 28023 of 2013 and W.P.No.854 of 2014, the State have come up with these Writ Appeals.

2. The common issue that arises in these Writ Appeals has already been decided exhaustively by a Division Bench of this Court in the order dated 02.07.2018 in W.A.No.1230 of 2018 and the relevant portions of the judgment read as follows:-

“8. The reasoning given by the learned Single Judge, in our considered view, is not only by following the principles laid down in White Washer Case cited above which refers to Class-III and Class-IV posts prohibiting the recovery of the amount paid in excess, but also citing the G.O.Ms.No.773, Finance (F.R.I) dated 13.8.1975 which specifically states that the persons who worked in temporary promotional posts and after reversion, there shall not be recovery of the amount paid to them, while holding the promotional posts.



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9. Normally, if a person was either mistakenly or temporary promoted, pending finalization of the seniority list or holding the higher post on, in charge capacity, whatever be the scale of pay given to him, while discharging duty in the said post, though he has been subsequently reverted, could not be recovered. The learned Single Judge has rightly allowed the writ petition filed by the writ petitioner and others. Thus, we do not find any illegality or infirmity in the order of the learned Single Judge.

10. In the result, the Writ Appeal fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.”

3. We find no reasons to disagree with the aforesaid findings. The Writ Appeals are, thus, devoid of merits and the same are liable only to be dismissed.

4. At this juncture, the learned counsel appearing for the retirees submitted that the appellants have been projecting the pendency of these Writ Appeals and Review Application No.196 of 2018, for not settling the



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terminal benefits of the retirees. We have dismissed the Review Application No.196 of 2018 in W.A.No.1230 of 2018 today (01.12.2022).

5. We, therefore, direct the appellants to settle the eligible terminal benefits to the retirees within a period of four months from the date of receipt of a copy of this judgement.

In the result, the Writ Appeals are dismissed, however, with the above directions. No costs. Consequently, connected CMPs stand closed.

(P.N.P., J.) (M.D.I.,J.)
01..12..2022

Index: yes/no
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To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Home Department,
Fort St. George, Chennai 600009.
- 2.The Director i/c,
Forensic Sciences Department,
Kamarajar Salai,
Mylapore, Chennai 600004.
- 3.The Principal Accountant General (A & E),
Pension 4 Section, 361, Anna Salai, Teynampet,
Chennai 600018.



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P.N.PRAKASH.J.,
AND
M.DHANDAPANI.J.,

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Writ Appeal Nos.1252, 482, 543, 1037,
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Writ Appeal No.269 of 2017

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