



WEB COPY

W.P.No.13526 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13526 of 2016

and

W.M.P.Nos.11862 of 2016 and 2833 of 2021

1. R.Parthiban
2. M.Nagulsamy
3. R.Muthukumar
4. S.Chithambaram
5. M.Suresh

.. Petitioners

Vs.

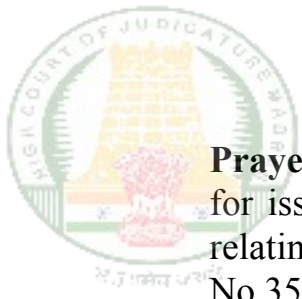
1. The State of Tamil Nadu
Rep. by its Principal Secretary to Government
Finance Department
Secretariat, Fort St. George
Chennai - 600 009.

2. The State of Tamil Nadu
Rep. by its Principal Secretary to Government
School Education Department
Secretariat, Fort St. George
Chennai - 600 009.

3. The Director of School Education
DPI Campus, College Road
Chennai - 600 006.

4. The Director of Elementary Education
DPI Campus, College Road
Chennai - 600 006.

.. Respondents



Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the first respondent in letter No.35520/Finance (CMPC) Department/2015-1 dated 02.11.2015 and to quash the same and consequently directing the respondents to extend the benefits of fixation of pay in the post of Secondary Grade Teacher with personal pay of Rs.750/- as granted in G.O.Ms.No.23 Finance Department dated 12.01.2011 with effect from 01.01.2006 on notional basis, as it was done for other categories of teachers / posts and consequently to revise the scale of pay for the petitioners who got promotion to the post of BT Assistant prior to 01.01.2011, with all consequential and other attendant benefits, within a time frame to be fixed by this Hon'ble Court.

For Petitioners	: Mr. J.Jayamaran for Mr.G.Sankaran
For Respondents	: Mr. P.Sanjay Gandhi Government Advocate (for R1)
	: Mrs. Mrs.S.Mythreye Chandru Spl. Govt. Pleader (for R2 to R4)

ORDER

The order impugned dated 2.11.2015 passed by the first respondent is under challenge in the present writ petition.

2. The grievances of the writ petitioners is for extending the benefit of fixation of pay for the post of Secondary Grade Teacher with Special Pay of Rs. 750 as granted in the G.O.Ms.No. 23 Finance (Pay Cell) Department dated 12.01.2011 with effect from 01.01.2006 on national basis as it was



done for other categories of teachers, consequently to revise the scale of pay for the petitioners who got promoted to the post of BT Assistant prior to 11.01.2011 with all service benefits.

3. The learned Special Government Pleader appearing on behalf of the respondents brought to the notice of this Court that judgment relied upon by the writ petition was taken by way of a review and the Hon'ble Division Bench of this Court delivered a judgment on 04.02.2022 in Review Application (MD) Nos. 89 & 117 of 2021.

This Court considered the issues and passed the following order:

' 40. As per G.O.Ms. No. 270 Finance (Pay Cell) Department, dated 26.08.2010, special allowance of Rs. 500/- to Secondary grade teachers from 01.08.2010 and as per G.O.Ms. No. 23 dated 12.01.2011 Special pay Rs. 750/- has w.e.f., 01.01.2011.

41. So, the writ petitioners who were all promoted before 01.08.2010 cannot claim special allowance and also special pay as per G.O.Ms. No.23 Finance (Pay Cell) Department, dated 12.01.2011. In writ appeals also all the respondents/writ petitioners were promoted before the crucial date i.e., 01.08.2010. Admittedly, benefit of G.OP.Ms. No. 270 not given (already promoted). So, G.O.Ms. No. 270 and G.O.Ms.NO. 23 need not be combined.

42. Due to wrong/false counter affidavit and G.O.Ms.No. 234, dated 01.06.2009 and G.O.Ms.No. 58 dated 25.02.2011 not being placed



before the Writ Court could not consider other points.

43. (i). Finally, these Review Applications are allowed by setting aside the order, dated 29.04.2021 made in W.A.(MD) No. 962 of 2018 and order, dated 10.06.2021 made in W.A.(MD) No. 1038 of 2020. No costs. Since W.A.(MD) Nos. 962 of 2018 and 1038 of 2020 are allowed, the order, dated, 11.02.2020 passed in W.P.(MD) Nos. 19240 of 2014 and 16802 of 2015 are set aside.

43 (ii). Since the Review applications are allowed all the writ appeals in W.A.(MD) Nos. 1854 to 1859 of 2021 also allowed by setting aside the order, dated 03.06.2021 in W.P.(MD) Nos. 9076, 9078, 9079, 9082, 9088 & 10750 of 2021. No costs. Consequently, connected miscellaneous petitions are closed. '

4. Therefore, the respondents have to verify the fixation of the writ petitioners with reference to Paragraph 41 of the judgement cited supra.

5. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

29.09.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order

To



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S.M.SUBRAMANIAM, J.

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