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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.8261 of 2022

R.Shanmugam

... Petitioner

vs.

1. The State of Tamil Nadu,
Rep by its Secretary to Government,
School Education Department,
Secretariat, Chennai.
2. The Director of Elementary Education,
Chennai - 600 006.
3. The District Educational Officer,
District Education Office,
Villupuram.
4. The District Elementary Educational Officer,
Villupuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the 3rd respondent in his proceedings No.O.Mu.No.5043/A3/2020 dated 04.01.2021 and quash the same and direct the respondents to pay a Personal Pay of Rs.750/- with notional effect from 01.01.2006 and with monetary benefit from 01.01.2011 with attended benefits as per G.O.Ms.No.23, Finance (Pay Cell) Department, dated 12.01.2011 to the petitioner herein.

For Petitioner : Ms.T.Nithya

For Respondents: Mr.V.Manoharan

Additional Government Pleader

O R D E R

This writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the 3rd respondent in his proceedings



No.O.Mu.No.5043/A3/2020 dated 04.01.2021 and quash the same and direct the respondents to pay the Personal Pay of Rs.750/- with notional effect from 01.01.2006 and with monetary benefit from 01.01.2011 with attended benefits as per G.O.Ms.No.23, Finance (Pay Cell) Department, dated 12.01.2011 to the petitioner herein.

2. According to the petitioner, the petitioner was appointed as Secondary Grade Teacher on 12.01.2002 and thereafter, he was transferred to Panchayat Union Middle School, Vikravandi Union on 01.10.2004. Thereafter, he was promoted as B.T. Assistant (English) on 01.06.2010 and rendered service. Thereafter, the petitioner made a representation dated 10.12.2020 to the 1st to 3rd respondents requesting to sanction the personal pay of Rs.750/- by implementing the Government Order in G.O.Ms.No.23, Finance (Pay Cell) Department, dated 12.01.2011 by enclosing the order passed by this Court in W.P. (MD).No.16800 of 2015 dated 11.02.2020. But the 3rd respondent rejected the said request for the reason that he is not entitled to the said claim and the order passed by this Court in the said writ petition is applicable only for the writ petitioner therein. Hence, he filed the instant writ petition before this Court.

3. The learned Additional Government Pleader appearing for the respondents has placed the order passed by the Hon'ble Division Bench of this Court in REV.APLC.(MD).Nos.89 and 117 of 2021 dated 04.02.2022 and submitted that the aforesaid order has been set aside by this Court. The relevant portion of the order is extracted hereunder:-

"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.O.Ms.No.270 not given (already promoted). So, G.O.Ms.No.270 and G.O.Ms.No.23 need not be combined.

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 and 10750 of 2021. No Costs. Consequently, connected Miscellaneous Petitions are closed."

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4. The aforesaid decision rendered by the Hon'ble Division Bench of this Court in REV.APLC.(MD).Nos.89 and 117 of 2021 dated 04.02.2022, is squarely apply to the facts and circumstances of the present case.

5. In view of the above, the writ petition stands dismissed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Secretariat, Chennai.
 2. The Director of Elementary Education,
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District Education Office,
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- +1 CC to The Government Pleader sr 27963.

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PA(CO)
SP(30/05/2022)