



W.P.No.22775 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.07.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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1.P.Rajathangam
2.M.Ernes
3.D.Marry Stella
4.F.Maria Rajammal
5.R.Esther
6.T.Ganaselvam

...Petitioners

Vs.

1.The Secretary to Government of Tamil Nadu,
School Education Department,
Fort St.George,
Chennai – 6.

2.The Director of School Education,
College Road,
Chennai – 6.

3.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

..Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for all connected records pertaining to passing of the impugned order passed by the 1st respondent in G.O.(2D) No.1 dated 2.1.2014 and quash the portion of Para 4, which



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restricted the arrears of increment and other benefit from the date of issue of order, instead of the date of regularisation and consequently direct the respondents to pay all arrears of increment and other benefits from the date of our initial appointment.

For Petitioners : Mr.N.Edwin Jayakumar

For Respondents : Mr.S.Prabhakaran
Government Advocate

ORDER

The order of regularization issued in favour of the writ petitioner by the first respondent in G.O.(2D).No.1 dated 02.01.2014 is challenged as far as Paragraph 4 of the Government Order is concerned.

2. The writ petitioners were working as Secondary Grade Teachers in Education Department. At the time of appointment, the petitioners were over aged and a show cause notice was issued during the relevant point of time, stating that why the petitioners should not be terminated from service. However, the competent authority sent a proposal to consider the claim of the writ petitioners for grant of regularization. Considering the said proposal, the Government issued G.O.(2D).No.1, School Education Department dated 02.01.2014, regularizing the services of 6 Secondary



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Grade Teachers with effect from their date of initial appointment by relaxing the rule relating to age limit and the monetary benefits were granted from the date of issuance of Government order.

3. The learned counsel for the petitioners made a submission that the regularization was granted with effect from the date of appointment and therefore, the monetary benefit also should be granted from the date of regularization.

4. The learned Government Advocate appearing on behalf of the respondents objected the said contention by stating that the initial appointment of the writ petitioners were irregular and they were overaged and the Government took a lenient view and relaxed the age limit and accordingly, grant the regularization and continuity of service. However, the monetary benefits were restricted from the date of the Government order. Thus, the said order cannot be construed as infirm and the writ petition is to be rejected.



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5. Admittedly, the writ petitioners were irregularly appointed and due to over age, the actions were initiated to terminate the services of the writ petitioners. At that point of time, a proposal was submitted for grant of regularization and the Government relaxed the relevant rules and regularize the services of the writ petitioners from the date of their initial appointment. However, the monetary benefits are restricted with effect from the date of the Government order. Thus, the grant of regularization itself was a concession extended in favour of the writ petitioners by relaxing the relevant rules, which was in force during the relevant point of time. When the Government has granted the benefit of regularization by way of concession, the petitioners cannot seek further benefit or concession regarding the retrospective monetary benefits. Monetary benefits are ordered to be paid from the date of issuance of the Government order, which cannot be found fault with. Thus, the petitioners are not entitled for the monetary benefits from the date of regularization and it is brought to the notice of this Court that the petitioners have reached the age of Superannuation and allowed to retire from service and all the benefits were already settled in their favour.



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6. This being the factum, no further consideration is required and

accordingly, the writ petition stands dismissed. No costs.

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Index : Yes

Speaking order: Yes

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To

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S.M.SUBRAMANIAM, J.

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