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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Writ Petition No.14061 of 2014
and
M.P.Nos.2, 3 and 4 of 2014

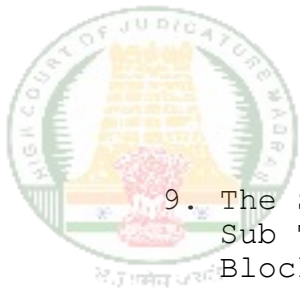
Neyveli Lignite Corporation Teachers'

Welfare Association (Registered No.196 of 2011),
represented by its Office Secretary
S.A.Jacob,
No.107, North Mellur Road,
Vadakudhu (West) & Post,
Kurichipaddi Taluk,
Cuddalore District.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
represented by its Secretary,
Education Department,
Secretariat, Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 600 006.
3. The Director of Elementary Education,
College Road, Chennai - 600 006.
4. The Chief Educational Officer,
Cuddalore District, Cuddalore.
5. The District Educational Officer,
Cuddalore District - 607 001.
6. The Assistant Elementary Educational Officer,
Neyveli Range, Block-8, Neyveli - 607 801.
7. The Assistant Elementary Educational Officer,
Kammapuram, Virudhachalam Taluk,
Cuddalore District.
8. The District Treasury Officer,
Cuddalore District, Cuddalore.



9. The Sub Treasury Officer,
Sub Treasury Office,
Block-2, Neyveli.

10. Neyveli Lignite Corporation Limited,
represented by its Secretary for NLC Schools,
Block -18, Neyveli - 607 803. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondents pertaining to the orders in Na.Ka.No.1033/Aa.3/2014, dated 25.02.2014 of the fifth respondent and in Na.Ka.No.214/2014 dated 20.05.2014 of the sixth respondent and quash the same and forbear the respondents from changing the mode of payment of salary of the members of the petitioner association from ECS of NLC to ECS of State Government.

For Petitioner : Mr.Kandhan Duraisami

For Respondents: Mr.M.Bindran
Additional Government Pleader
[R1 to R9]
Mr.N.Nithianandam [R10]

O R D E R

The orders issued by the Assistant Elementary Educational Officer dated 25.02.2014 and 20.05.2014 are under challenge in the present writ petition.

2. The writ petitioner is Neyveli Lignite Corporation Teachers' Welfare Association, which is a registered association. The petitioner association states that 110 members are working as teaching and non-teaching staff in ten schools administered by the Neyveli Lignite Corporation. This writ petition has been filed challenging the decision taken by the School Education Department to credit the grant-in-aid in favour of the teachers directly in their accounts by the State Government.

3. Learned counsel appearing for the petitioner mainly contended that the Government of India is paying grant-in-aid by way of salary and beyond the salary, the members of the petitioner association are receiving additional benefits from the Neyveli Lignite Corporation. Therefore, they are all along receiving benefits of the State Government teachers along with



other benefits granted by the Neyveli Lignite Corporation on par with the Neyveli Lignite Corporation employees.

4. The authorities of the Education Department issued the orders impugned stating that the grant-in-aid being paid by the Government of Tamil Nadu is to be disbursed directly to the eligible teachers through ECS system. With reference to the other benefits to be paid by the Neyveli Lignite Corporation, the said benefits are to be disbursed by the Neyveli Lignite Corporation administration to the eligible teachers through ECS system. At the outset, the members of the petitioner association are receiving salary from two sources, one from the Government of Tamil Nadu and another from the Neyveli Lignite Corporation. The circular reveals that the Government of Tamil Nadu has taken a decision to disburse the salary directly to the respective accounts of the teachers and for the said decision, the Neyveli Lignite Corporation administration has not raised any objection.

5. Learned counsel appearing for the Neyveli Lignite Corporation made a submission that they have clarified that the benefits are not going to be stalled on account of the circular. However, certain issues raised in the other writ petitions regarding benefits are to be decided independently.

6. It is relevant to extract paragraph No.5 of the counter filed by the tenth respondent, which reads as follows:

"I state that the procedure introduced by the impugned circulars, only required that the pay and allowances and benefits forming part of the grant in aid from the Government was to be claimed with details of the bank particulars of the individual teaching and non-teaching staff, so that the sum due as pay and allowances etc., is directly disbursed through ECS by the Government agencies. In such event, in case of those appointed prior to 31.12.2009 any additional salary or allowances, as applicable, would continue to be disbursed by NLC directly through ECS. Thus, so far as those individuals are concerned, there was no decrease or loss of emoluments; but the credit to the individual's bank account would come from two different ECS sources, namely, the State Government Treasury (govt scale of pay & allces) and NLC (addl Pay & allces). As regards the teaching and non-teaching staff appointed after 31.12.2009, the entire pay & allces, as per the impugned circulars, would be credited by the Govt agencies directly to the individual."



7. In the above extract, the Neyveli Lignite Corporation has clearly stated that credit to the individuals bank accounts would come from two different ECS sources, namely, the State Government Treasury (Government scale of pay and allowances) and NLC (additional pay and allowance). Further, with reference to the eligibility of teachers, the same is not an issue to be decided in this writ petition. As far as the transfer of salary from the State Government and Neyveli Lignite Corporation is concerned, there is no dispute in the system to be followed and as per the impugned circular, the State Government will directly disburse the State Government salary to the eligible teachers and the Neyveli Lignite Corporation will disburse the additional pay and allowances through their accounts to the individuals as per the system prevailing.

8. Considering the facts and circumstances, this Court is of the opinion that the petitioner is not able to establish any grievance for the purpose of interfering with the orders impugned passed by the Education Department. The impugned orders would not deprive the employees from getting their salary, which is otherwise in accordance with their eligibility and thus, they are not construed as aggrieved persons. All other disputes and issues are to be resolved in other writ petitions, which are all pending before this Court.

With these observations, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Secretary,
Education Department,
Secretariat, Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 600 006.
3. The Director of Elementary Education,
College Road, Chennai - 600 006.



4. The Chief Educational Officer,
Cuddalore District, Cuddalore.

5. The District Educational Officer,
Cuddalore District - 607 001.

6. The Assistant Elementary Educational Officer,
Neyveli Range, Block-8, Neyveli - 607 801.

7. The Assistant Elementary Educational Officer,
Kammapuram, Virudhachalam Taluk,
Cuddalore District.

8. The District Treasury Officer,
Cuddalore District, Cuddalore.

9. The Sub Treasury Officer,
Sub Treasury Office,
Block-2, Neyveli.

10. The Secretary, NLC Schools,
Neyveli Lignite Corporation Limited,
Block -18, Neyveli - 607 803.

+lcc to Mr.Muthumani Doraisami, Advocate, S.R.No.35296

+lcc to the Government Pleader, S.R.No.35880

Writ Petition No.14061 of 2014

SKM(CO)
CT/27/06/2022