



W.P.(MD) No.2629 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.2629 of 2020

1.M.Firdhowsa Thendral
2.A.N.Murugeswari

... Petitioners

Vs.

- 1.The Government of Tamil Nadu
rep. by its Secretary,
School Education Department,
Fort St. George,
Chennai – 600 009.
- 2.The Director of School Education,
DPI Campus,
College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
Theni District,
Theni – 625 531.
- 4.The District Educational Officer,
Uthamapalayam 625 533,
Theni District.
- 5.The Correspondent / Secretary,
CPU Higher Secondary School,
Cumbum – 625 516, Theni District.



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6.The Head Master,
CPU Higher Secondary School,
Cumbum – 625 516,
Theni District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents herein to regularize the services of the petitioners from their initial dates of appointments from 25.02.2005 to 01.06.2006 with all consequential monetary and service benefits.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.A.Kannan for R1 to R4
Additional Government Pleader

ORDER

The petitioners herein were appointed on 25.02.2005 on consolidated basis. They were, thereafter, brought on regular time scale of pay with effect from 01.06.2006. The respondents had reckoned their seniority from the date of their regularization. The apprehension of the petitioners is that their seniority will be fixed from the date of their initial appointment and not from the date of regularization.



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2. This issue has already come up for consideration before a learned Single Judge in W.P.No.4991 of 2015 and by an order, dated 30.07.2019, the learned Single Judge had allowed the writ petition, by directing the official respondents to regularize the services of those teachers, from the date of entry into service, for the purpose of seniority. When the matter was taken up for appeal in W.A.No.3904 of 2019, dated 31.01.2020, the Honourable Division Bench of this Court had recorded the submissions of the learned Government Pleader that the seniority of those teachers will be determined from the date of their initial appointment and that the monetary benefits would be extended only from the date of regularization i.e., from 01.06.2006. The relevant portion of the said order reads as follows:

“6.The learned Single Judge has allowed the writ petition, directing the appellants herein to regularise the services of the respondents/writ petitioners from the date of entry into service for the purpose of seniority and extend all monetary benefits following thereof. The learned counsel for the respondents / writ petitioners concedes that the portion of the order which directs payment of monetary benefits from the date of appointment may be deleted. The learned counsel agrees that the seniority of the writ



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petitioners be reckoned from the date of initial appointment and monetary benefits be given from the date of regularization, i.e., from 01.06.2006.”

3. In the instant case also, the petitioners submitted that they would be satisfied, if their seniority is fixed from the date of their initial appointment and are provided monetary benefits from 01.06.2006.

4. Recording the submission of the learned counsel for the petitioners, there shall be a direction to the respondents 2 and 3 herein to pass appropriate orders, refixing the petitioners' seniority from the date of their initial appointment i.e., 25.02.2005 and extending their monetary benefits from the date of regularization i.e., 01.06.2006. Such orders shall be passed within a period of six weeks from the date of receipt of a copy of this order.

5. This writ petition stands allowed. No costs.

03.08.2022

Index : Yes / No
Speaking Order/ Non Speaking Order
TM

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M.S.RAMESH,J.

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