



W.P.No.40087 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.40087 of 2016 and
WMP Nos.34135, 34136 of 2016 and 7557 of 2017

- 1.K.Chidambaram
- 2.S.Rajapandian
- 3.M.Elango
- 4.N.Kannappan
- 5.K.Periasamy
- 6.B.Chandrasekaran
- 7.P.Balasubramanian
- 8.R.Panneerselvam
- 9.R.Aranganathan
- 10.R.Mohankumar
- 11.M.Mohamed Afzal
- 12.S.Nallaperumal
- 13.S.Srinivasan
- 14.K.Rathnagiri
- 15.C.Chandra
- 16.R.Kirupanidhi
- 17.A.Selvaraju
- 18.K.Rangasamy



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19.A.Panneer Selvam

20.R.Natarajan

21.R.Asaithambi

22.B.Rajaram

23.A.Namasivayam

... Petitioners

Vs.

- 1.State of Tamil Nadu rep by its
Secretary to Government (Expenditure),
Finance (CMPC) Department,
Secretariat, Chennai-9.
2. State of Tamil Nadu rep by its
Principal Secretary to Government,
School Education Department,
Secretariat, Chennai-09.
3. The Director of School Education,
Chennai-6.
4. The Director of Teacher Education,
Research and Training, Chennai-6.
5. The Principal Accountant General,
(Accounts and Entitlements), Tamil Nadu,
No.361, Anna Salai, Chennai-600 018.
6. Chief Educational Officer,
Ariyalur, Ariyalur District.
7. Chief Educational Officer,
Virudhunagar, Virudhunagar District.
8. Chief Educational Officer,
Krishnagiri, Krishnagiri District.



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9. Chief Educational Officer,
Salem, Salem District.
10. Chief Educational Officer,
Thanjavur, Thanjavur District.
11. Chief Educational Officer,
Karur, Karur District.
12. Chief Educational Officer,
Namakkal, Namakkal District.
13. Chief Educational Officer,
Erode, Erode District.
14. Chief Educational Officer,
Trichy, Trichy District.
15. Chief Educational Officer,
Perambalur, Perambalur District.
16. Chief Educational Officer,
Kanchipuram, Kanchipuram District.
17. District Educational Officer,
Krishnagiri, Krishnagiri District.
18. District Educational Officer,
Namakkal, Namakkal District.
19. The Correspondent,
K.K.Higher Secondary School,
Paramathy Velur (Post),
Namakkal District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandaus, to call for the records



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pertaining to the Finance Department Letter No.63717/CMPC/2015-1 dated 15.06.2016 issued by the first respondent and quash the same and direct the respondents to permit the petitioners to exercise their option for fixation of scale of pay as per V Pay Commission Recommendation issued in G.O.Ms.No.666 Finance (Pay Cell) Department dated 27.06.1989 issued by the 1st respondent and confer all the consequential benefits.

For petitioners : Mr.P. Ganesan
for M/s.C.S. Associates,
[P.1 to P.8, P.11 to P.16, P.18 & P.20 to P.22]

Mr.M. Subash [P.9, P.10, P.17, P.19 & P.23]

For Respondents : Mr.D. Gopal [for R1 to R4 & R6 to R18]

Mr.V. Murali [for R5]

No appearance - R19

ORDER

On 02.01.2023, this Court has passed the final order in the Writ Petition, which was yet to be issued to the parties. However, the Registry has not noted down the change of Vakalat filed for some of the petitioners herein and hence, today the matter is listed under the caption 'for being spoken to'.



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WEB COPY 2. The impugned letter No.63717/CMPC/2015-1, dated 15.06.2016 is a clarification issued by the Government to the Deputy Accountant General (Pension), Chennai, clarifying that the option to come over to the revised scale of pay due to retrospective regularisation cannot be exercised beyond 27.06.1989 i.e., the date of issue of orders, implementing the Fifth Tamil Nadu pay Commission scales of pay as ordered in G.O.Ms.No.666, Finance (Pay Cell) Department, dated 27.06.1989.

3. The petitioners herein seek for quashing of the impugned clarification letter dated 15.06.2016. Unless and until, the clarification letter culminates into a final order affecting the petitioners' right, no cause of action would arise for the petitioners to challenge the same. In other words, the clarification letter, which is an internal departmental communication, cannot be put under challenge in a Writ Petition. Hence, the petitioners may not have a locus to challenge the same. In case, any consequential orders are passed, it is always open to the petitioners to challenge the same in accordance with law.



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4. With the above liberty, the Writ Petition stands dismissed. No

costs. Connected miscellaneous petitions are closed.

09.01.2023

Speaking Order/Non-speaking Order

Neutral Citation: Yes/No

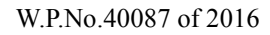
Index: Yes/ No

Internet: Yes/No

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To

1. Secretary to Government (Expenditure),
State of Tamil Nadum
Finance (CMPC) Department,
Secretariat, Chennai-9.
2. Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, Chennai-09.
3. The Director of School Education,
Chennai-6.
4. The Director of Teacher Education,
Research and Training, Chennai-6.
5. The Principal Accountant General,
(Accounts and Entitlements), Tamil Nadu,
No.361, Anna Salai, Chennai-600 018.
6. Chief Educational Officer,
Ariyalur, Ariyalur District.



- <https://www.mhc.tn.gov.in/judis>



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M.S.RAMESH,J.,

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