



WEB COPY



W.P.No.24315 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.24315 of 2023

M.Shivaraj

... Petitioner

Vs.

1.The Joint Director of School Education,
College Road, Chennai – 600 006.

2.The Chief Educational Officer,
Udagamandalam,
Nilgiri District.

3.The District Educational Officer,
Ooty, Nilgiri District.

4.The Headmaster,
Government Higher Secondary School,
Cherambadi, Nilgiri District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent culminating in his order Na.Ka.No.0232/A3/2014 dated 16.06.2023, quash only portion of the order denying the monetary benefits after the completion of the breakup period from 19.12.2019 and also to direct the respondents to reconsider the petitioner's representation dated 12.01.2022 and 15.05.2023.



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For Petitioner : Mr.V.Raghupathi
For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent, dated 16.06.2023, stating that the petitioner is not entitled to any annual increment during the breakup period between his removal from service and subsequent reinstatement pursuant to the orders of this Court.

2.It is the case of the petitioner that the petitioner was earlier terminated from service by proceedings of the 2nd respondent, dated 18.09.2014, for having secured only 30 marks in English Language in SSLC. Thereafter, the petitioner challenged the termination order before this Court by way of writ petition in W.P.No.27838 of 2014. This Court, by order dated 09.04.2019 in W.P.No.27838 of 2014, has set aside the termination order and directed the respondents to reinstate the petitioner with notional regularization of service during the breakup period without any monetary benefits. Accordingly, the petitioner was reinstated into



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service by proceedings dated 29.11.2019. Thereafter, the petitioner submitted his representations dated 12.01.2022 and 15.05.2023 to notionally regularise his services with increment during breakup period between 2014 and 2019 without monetary benefits, but for continuity of annual increments. However, the 2nd respondent, by the impugned order dated 16.06.2023, has informed the petitioner that there is no specific direction in the order of this Court, dated 09.04.2019, in W.P.No.27838 of 2014, as regards annual increments during the breakup period. Challenging the same, the present writ petition has been filed.

3.Heard the learned counsel for the petitioner and Mr.V.Jeevagiridharan, learned Additional Government Pleader, who takes notice for the respondents.

4.This Court, while setting aside the termination order, has passed the following order on 09.04.2019 in W.P.No.27838 of 2014 :

“5.Considering the above facts and also in the light of the order passed by the Division Bench of this Court in W.A.No.1292 of 2012, dated 21.11.2014, which was also confirmed by the Hon'ble Supreme Court, the impugned order passed by the second respondent is liable to be



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quashed and accordingly, quashed. The respondents are directed to reinstate the petitioner in service within a period of six weeks from the date of receipt of a copy of this order. It is made clear that respondents shall consider notional regularization of the service of the petitioner during the breakup period without any monetary benefits.”

The above makes it clear that, only notional regularization of services of the petitioner has been granted for the breakup period, however, without any monetary benefits. Taking cue from the above order, the respondents have passed the rejection order on the representation made by the petitioner.

5.It is the main contention of the learned counsel for the petitioner that, though increment has been granted from 2020, since the petitioner was reinstated in the year 2019, the petitioner is entitled to increment from 29.11.2019. However, increment has been granted only from the year 2020. Therefore, the learned counsel seeks direction to the respondents to atleast consider the petitioner's case to give an increment from the year 2019.



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6.Since the petitioner himself has given up for the breakup period, let the respondents consider his case. In such view of the matter, the respondents shall grant increment to the petitioner after his reinstatement in the year 2019 and shall pass appropriate orders within a period of two months from the date of receipt of a copy of this order.

7.With the above direction, this writ petition is disposed of. No costs.

18.08.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

1.The Joint Director of School Education,
College Road, Chennai – 600 006.

2.The Chief Educational Officer,
Udagamandalam,
Nilgiris District.

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