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W.P.No.2274 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.2274 of 2024
and W.M.P.No.2471 of 2024

S.Soundaralakshmi

Vs

Petitioner

1. The Government of Tamil Nadu
Rep. by its Secretary,
Finance (Pay Cell) Department,
Fort St.George, Chennai – 600 009.

2. The Joint Secretary,
Secretary to Government,
Fort St.George, Chennai – 600 009.

3. The District Elementary Educational Officer,
Srivaikundam Taluk,
Tuticorin District – 628 601.

4. The Block Educational Officer,
Karungulam, Tuticorin District – 628 615.

5. The Correspondent,
MM Middle School,
Seydunganallur, Tuticorin District – 628 809.

Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the letter of the second respondent in Letter No.35681/CMPC/



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2000-1 dated 17.07.2000 and the consequential rejection orders passed by the fourth respondent in Na.Ka.No.818/A2/2022 dated 26.08.2022 and 17.10.2022 and quash the same and consequently direct the respondents 1 to 4 to sanction and pay one time bonus increment to the petitioner in terms of the G.O.No.562 Finance (Pay Cell) Department dated 28.09.1998 from 18.06.2020 onwards.

For Petitioner : Mr.P.Ebenezer Paul

For R1 to R4 : Mr.K.H.Ravikumar
Government Advocate

ORDER

This Writ Petition has been filed challenging the proceedings in Letter No.35681/CMPC/2000-1 of the second respondent dated 17.07.2000 and consequential show cause notice issued by the fourth respondent dated 26.08.2022 and 17.10.2022 in Na.Ka.No.818/A2/2022.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was appointed as a Secondary Grade Teacher in the fifth respondent School. He was awarded Selection grade of pay on 18.06.2000 by the proceedings of the third respondent dated 02.08.2000. After completion of ten years of service, the petitioner was granted Special Grade Pay on 18.06.2010 by the proceedings dated 02.11.2010 on the file of the third respondent. As per the recommendation of the one man commission, the first respondent issued G.O.No.562, Finance (Pay Cell) Department, dated



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28.09.1998, thereby ordered that the employees stagnating in a post beyond 30 years i.e., employees stagnating in the Special Grade beyond 10 years be granted with one bonus increment as an incentive.

4. The petitioner relinquished her claim for promotion as Headmaster of the fifth respondent School. In this regard, the fourth respondent, by the proceedings dated 27.05.2022, sought for clarification from the fifth respondent with regard to the petitioner's service records relinquishing her claim for promotion to the post of Headmaster. Therefore, the petitioner approached the fourth respondent for sanction of one time bonus increment. Accordingly, the fifth respondent had sent a proposal for sanction of one time bonus increment for the petitioner to the fourth respondent. However, the said request was rejected by the fourth respondent, by the proceedings dated 26.08.2022 for the reason that the petitioner is not eligible for one time bonus increment, since she had relinquished her claim for promotion and such claim for bonus increment is contrary to the provisions of the Tamil Nadu Private Schools Regulation Act 1973 and Rules 1974. In this regard, the fourth respondent issued show cause notice to submit explanation.

5. A perusal of the impugned show cause notice dated 26.08.2022



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reveals that the petitioner suppressing certain facts and claiming one bonus increment for completion of her 30 years of service. Therefore, the fifth respondent was issued show cause notice. That apart, the show cause notice was issued only to the fifth respondent and not to the petitioner. Therefore, the fifth respondent has to submit their explanation within the stipulated time before the fourth respondent.

6. Hence, this Court finds no infirmity or illegality in the proceedings in Letter No.35681/CMPC/2000-1 of the second respondent dated 17.07.2000 and consequential show cause notice issued by the fourth respondent. Thus, the writ petition is devoid of merits and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

02.02.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Lpp

To



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G.K.ILANTHIRAIYAN. J.



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