



W.P.No.10861 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.10861 of 2024
and W.M.P.Nos.11967 & 11968 of 2024

T.Meena

..

Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Fort St.George, Chennai – 600 009.
- 2.The Director of Schools
School Education Department,
Chennai – 600 006.
- 3.The Joint Director (Vocational) Education,
School Education Department,
College Road, Chennai – 600 006.
- 4.The Chief Accounts Officer,
Commissionerate of School Education,
Chennai – 600 006.
- 5.The Headmaster,
Government Model Higher Secondary School,



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Saidapet, Chennai – 600 015.

.. **Respondents**

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Prayer: Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records relating to the Audit Objection of the fourth respondent in his proceedings in Na.Ka.No.053130/AKD/2023 dated 21.12.2023 and the fifth respondent passed a consequential order in Na.Ka.No.08/2024 dated 29.01.2024 and quash the same and direct the respondents to continuously pay the petitioner 3% annual increment in their salary in the post as Computer Instructor Grade-I.

For the Petitioner : Ms.P.Mahalakshmi

For Respondents 1 to 3 : Mrs.Mythreyee Chandru,
Special Government Pleader

ORDER

This writ petition is filed to call for the records relating to the Audit Objection of the fourth respondent in his proceedings in Na.Ka.No.053130/AKD/2023 dated 21.12.2023 and the consequential order in Na.Ka.No.08/2024 dated 29.01.2024 and quash the same and direct the respondents to continuously pay the petitioner 3% annual increment in their salary in the post as Computer Instructor Grade-I.



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2. When the matter came up for hearing, learned counsel for the petitioner as well as learned Additional Government Pleader appearing for the respondents 1 to 3 are at idem that the matter is covered by the order of this Court in *W.P.No.27205 of 2024 etc., batch*. It is essential to extract the operative portion of the said order which is in paragraph 9 and 10, which reads as follows:

“9. Therefore, the petitioners are not entitled for pay scale equivalent to P.G.Assistant and they are entitled for the pay scale in the cadre of Computer Instructor Grade-I. However, the excess amount which was already paid to the petitioners cannot be recovered, sine it was not paid due to their representation or due to their fault.

10. In view of the above discussions, it cannot be said that the order passed by the Chief Accounts Officer, Chennai, finds with any infirmity. However, the orders passed by the Headmaster of the respective schools, insofar as the recovery of excess salary, cannot be sustained and it is liable to be quashed. Accordingly, the orders passed by the Headmaster of the respective schools, dated 24.08.2023, 25.08.2023, 23.08.2023, 19.07.2023, 21.08.2023, 09.06.2023, 29.05.2023, 14.09.2023,



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13.09.2023, 21.09.2023, 07.11.2023, 04.11.2023 are hereby quashed. The respondents are directed to fix the scale of pay to the petitioners in the cadre of Computer Instructor Grade-I in the pay scale of Rs.9,300-34,800+Grade Pay Rs.4,800 and pay the salary accordingly to the petitioners and arrears if any, within a period of eight weeks from the date of receipt of a copy of this order.”

3. Accordingly, this Writ Petition is also allowed in terms of said order. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

23.04.2024

Index : Yes/No
Neutral Citation : Yes/No
Speaking order : Yes/No

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To

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- 3.The Joint Director (Vocational) Education,
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