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W.P.No.11211 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA

CHAKRAVARTHY

W.P.No.11211 of 2024

and

W.M.P.Nos.12300 & 12302 of 2024

Poonkayal

...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,
Chennai – 600 006.
- 4.The Chief Accounts Officer,
Commissionerate of School Education,
Chennai – 600 006.
- 5.The Headmaster,
Government Higher Secondary School,
Medavakkam – 600 100.

...Respondents



W.P.No.11211 of 2024

WEB COPY

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records relating to the Audit Objection of the 4th respondent in his proceedings in Na.Ka.No.53130/AKD/2023 dated 13.11.2023 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 and pass such further orders.

For Petitioner	:	Mr.P.Mahalakshmi
For R1 to R3 & R5	:	Mr.V.Manoharan Additional Government Pleader

ORDER

When the matter came up for hearing, both sides learned counsels are at idem that the subject matter in the present petition is covered by the common order of this Court in W.P.Nos.27205 of 2023 etc., dated 08.03.2024.

2. The operative portion of the said common order is extracted hereunder:



W.P.No.11211 of 2024

WEB COPY

“9. Therefore, the petitioners are not entitled for pay sale 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, since 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, 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.”



W.P.No.11211 of 2024

WEB COPY

D.BHARATHA CHAKRAVARTHY, J.,

3. In view thereof, the present writ petition is allowed on the aforesaid terms. No costs. Consequently, connected miscellaneous petitions are closed.

24.04.2024

cda

Index : Yes

Speaking Order

To

- 1.The Secretary,
Government of Tamil Nadu,
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,
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W.P.No.11211 of 2024

W.P.No.11211 of 2024