



WA No.2059 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

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- 1.The Secretary to Government
Education Department, Chennai
 - 2.The Director of Elementary Education
Chennai
 - 3.The District Educational Officer
Udumalpet, Thiruppur District
 - 4.The Block Educational Officer
Udumalpet, Thiruppur District
- : Appellants

versus

- 1.G. Premalatha
- 2.K. Makeswaran
- 3.J. Menaka
- 4.R. Tamilvannan
- 5.P. Eswaran
- 6.R. Ramasamy
- 7.M. Balasubramanian

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8.P. Eswarai
9.S.X. Sahayarathina Mary
10.K. Parthasarathi
11.P. Thirumoorthi
12.M. Radhakrishnan
13.T. Senthamil Selvi
14.G. Nagarajan
15.A. Prema
16.G. Shanthi
17.P. Mery Josaphin Dhanapackiy
18.V. Kaleeswari
19.K. Vasanthi
20.S. Eswari
21.D. Saradha Jaqulin
22.M.S.K. Amuthavan : Respondents

PRAYER: Writ Appeal filed against the order of the learned Single Judge dated 17-03-2021 made in WP.No. 6846 of 2021.

For the Appellants :Mr.U.M.Ravichandran,
Special Government Pleader

For the Respondents : No appearance
for respondents 1 to 13, 15 to 22

Not ready in notice regarding R-14

JUDGMENT

(Made by *D.KRISHNAKUMAR, J.*)

This Writ Appeal is filed against the order of the learned Single Judge dated 17-03-2021 made in WP.No.6846 of 2021.



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2. The respondents herein have filed the writ petition seeking to quash the proceedings of the fourth appellant/The Block Educational Officer dated 17.12.2020, and for a consequential direction to the appellants to sanction the personal pay of Rs.750/- to the respondents notionally with effect from 01.01.2006 and monetary benefits with effect from 01.01.2011 as per G.O.Ms.No.23 Finance (Pay Cell) Department dated 12.01.2011.

3. The writ court, following the decision rendered by the Madurai Bench of this Court in WP No.(MD) 19240 of 2014 dated 02.01.2018, had allowed the writ petition. Challenging the said order, the appellant Department has preferred the present intra-court appeal.

4. Learned Special Government Pleader appearing for the appellant Department would submit that challenging the order passed in WP No.(MD) 19240 of 2014 dated 02.01.2018, the appellant Department had filed an appeal in WA (MD) No.962 of 2018 before a Division Bench of this Court. The Division Bench, by judgment dated 29.04.2021, had dismissed the said writ appeal. Aggrieved by the aforesaid judgment passed by the Division



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Bench, the appellant Department has filed a review application in Rev.Appl (MD) Nos.89 & 117 of 2021. The Division Bench, by a common order dated 04.02.2022, has set aside the earlier judgment passed in the writ appeal and allowed the review applications by holding as follows:

"40. As per G.O.Ms.No.270 Finance (Pay Cell) Department, dated 26.08.2010, special allowance of Rs.500/- to Secondary grade teachers from 01.08.2010 and as per G.O.Ms.No.23 dated 12.01.2011 Special Pay Rs.750/- has w.e.f., 01.01.2011.

41. So, the writ petitioners who were all promoted before 01.08.2010 cannot claim special allowance and also special pay as per G.O.Ms.No.23 Finance (Pay Cell) Department, dated 12.01.2011. In writ appeals also all the respondents/writ petitioners were promoted before the crucial date i.e., 01.08.2010.

Admittedly, benefit of G.O.Ms.No.270 not given (already promoted). So, G.O.Ms.No.270 and G.O.Ms.No.23 need not be combined.

42. Due to wrong/false counter affidavit and G.O.Ms.No.234, dated 01.06.2009 and G.O.Ms.No.58 dated 25.02.2011 not being placed before the Writ Court could not consider other points.

43 (i). Finally, these Review Applications are allowed by setting aside the order, dated 29.04.2021 made in W.A.(MD) No.962 of 2018 and order, dated 10.06.2021 made in W.A.(MD) No.1038 of 2020. No costs. Since W.A.(MD)



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Nos.962 of 2018 and 1038 of 2020 are allowed, the order, dated, 11.02.2020 passed in W.P.(MD) Nos.19240 of 2014 and 16802 of 2015 are set aside.

43(ii). Since the Review applications are allowed all the Writ appeals in W.A.(MD) Nos.1854 to 1859 of 2021 also allowed by setting aside the order, dated 03.06.2021 in W.P.(MD) Nos.9076, 9078, 9079, 9082, 9088 & 10750 of 2021. No costs. Consequently, connected Miscellaneous Petitions are closed."

5. In the present case, the learned Single Judge has allowed the writ petition, following the order passed WP No.(MD) 19240 of 2014 dated 02.01.2018, and the same was confirmed by the appellate court and subsequently, the order passed in the said writ appeal came to be set aside by a Division Bench of this Court in Rev.Appl (MD) Nos.89 & 117 of 2021. Hence, we have no hesitation to interfere with the order passed by the learned Single Judge.

6. In the light of the order passed in the review applications in Rev.Appl (MD) Nos.89 & 117 of 2021, the order of the writ court in WP No.6846 of 2021 dated 17.03.2021 is liable to be set aside and according, it



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is set aside. Consequently, the writ appeal stands allowed. There shall be no order as to costs. CMP No.15567 of 2022 is closed.

[D.K.K., J.] [K.B., J.]
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Index : Yes/No
Neutral Citation : Yes/No
mrn



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and
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(mrn)

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