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W.P.No.11291 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.11291 of 2024

and

W.M.P.Nos.12384 and 12385 of 2024

TK.Sarojini

... 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 School,
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 Higher Secondary School,
GHSS Peerkankaranai,
Chengalpattu District,
Chennai – 600 063.

... Respondents



W.P.No.11291 of 2024

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the Audit Objection of the 4th respondent in his proceedings in Na.Ka.No.053130/அகத/2023 dated NIL.09.2023 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.

For Petitioner : M/s.P.Mahalakshmi

For Respondents : Mr.V.Manoharan
Additional Government Pleader

ORDER

This Writ Petition has been filed to call for the records relating to the Audit Objections of the fourth respondent dated NIL.09.2023 and quash the same and to direct the respondents to to continuously pay the petitioner 3% annual increment in their salary in the post as Computer Instructor Grade – I.

2. When the matter was taken up for hearing both the counsel are at idem that the matter is covered by an order of this Court in W.P.No.27205 of 2024 etc batch dated 08.03.2024. Operative portion of the said order reads as follows:-



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“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, 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.9300-34,800+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. Therefore, this Writ Petition is also disposed of on the same terms.

No costs. Consequently, the connected Writ Miscellaneous petitions are closed.

26.04.2024

Index: Yes

Speaking Order: Yes

Neutral Citation: No

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