



W.A.No.3083 of 2019 & etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2024

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

W.A.Nos.3083, 3084, 3090, 3094, 3095, 3097,
3104, 3106, 3117 & 3118 of 2019

[W.A.No.3083 of 2019]

1. The Director of Elementary Education
Chennai – 600 006.
2. The District Elementary Educational Officer
Nagapattinam, Nagapattinam District.
3. The Assistant Elementary Educational Officer
Nagapattinam, Nagapattinam District. .. Appellants

Vs.

S.Sankaran .. Respondent

Prayer in W.A.No.3083 of 2019: Appeal filed under Clause 15 of the Letters Patent, against the order dated 05.08.2011 in W.P.No.23640 of 2010.

For the Appellants : Mr.U.M.Ravichandran
in all W.As Special Government Pleader



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COMMON JUDGMENT

(Delivered by the Hon'ble Mr. Justice S.M.SUBRAMANIAM)

These writ appeals have been instituted challenging the common order dated 05.08.2011 passed in a batch of writ petitions.

2. The Writ Court considered the claim of the respondents therein and held the order passed by the Director of Elementary Education, Chennai, dis-entitling them to avail the benefits granted by the Government in G.O.Ms.No.207, School Education Department, dated 30.09.2008, G.O.Ms.No.185 dated 16.12.2002. G.O.Ms.No.212, dated 07.08.2000 and G.O.Ms.No.238, dated 26.06.1998, as unsustainable.

3. *Mr.U.M.Ravichandran*, learned Special Government Pleader appearing on behalf of the appellant State would submit that the Writ Court has not considered the fact that few employees are not eligible to avail the benefits in view of the fact that they have already availed the benefits by virtue of other Government Orders.



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4. Double monetary benefits are impermissible and therefore, the order, if implemented, would result in financial loss to the State Exchequer. Further, there is a possibility of availing double benefits by few employees.

5. The doubt arose in the mind of the State in this regard in view of the fact that the learned Single Judge has set aside the order passed by the Director of Elementary Education and thereafter, directed the Director of Elementary Education to consider the claim of the petitioners in light of G.O.Ms.No.207, School Education, dated 13.09.2008 and the other Government Orders as aforesaid. After setting aside the order of rejection passed by the Director of Elementary Education, the Writ Court directed the Authorities to consider the case of the employees in the light of the Government Orders.

6. The spirit of the order would go to say that the Government Orders are to be implemented and the benefits are to be extended as per the terms stipulated in the Government Orders. The Writ Court has



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not expressly stated that all the employees are eligible to seek monetary benefits, if they have already availed the benefits under other Government Orders. That was not the order passed by the Writ Court.

7. The Writ Court, in clear terms, directed the Director of Elementary Education to consider the claim of the respondents in light of the various Government Orders. Therefore, the Department has to ascertain the eligibility of the individual employees, whether those employees have already received the benefits or not and accordingly grant the benefits and by following due process.

8. The opinion of the Writ Court expressed is to grant benefits to the employees in accordance with the Government Orders, issued in G.O.Ms.No.207 dated 30.09.2008 and the other Government Orders referred in the Writ order. More so, the Writ Court has issued directions to consider the case of all the employees. Therefore, the Authorities are empowered to scrutinize the eligibility and take a decision on merits and in accordance with law.



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9. This being the scope of the Writ order, we do not find any reason to overturn the Writ order impugned. With the above clarifications, these writ appeals are disposed of. There shall be no order as to costs. Consequently, C.M.P.Nos.19623, 19652, 19704, 19707, 19750, 19755, 19783, 19787, 19711 and 19626 of 2019 are closed.

(S.M.S., J.)

(C.K., J.)

10.07.2024

Index : Yes/No
Neutral Citation : Yes/No

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S.M.SUBRAMANIAM, J.

AND

C.KUMARAPPAN, J.

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