



WEB COPY



W.A.No.1882 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2025

CORAM:

**THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN  
AND  
THE HONOURABLE MR. JUSTICE K.SURENDER**

**W.A.No.1882 of 2025  
and  
C.M.P.No.14364 of 2025**

1.The Secretary to Government,  
School Education Department,  
Fort St. George, Chennai – 600 009.

2.The Director of School Education,  
College Road, Chennai – 600 006.

3.The District Educational Officer,  
Kancheepuram.

... Appellants

Vs.

G.Geetharamani

... Respondent

**Prayer:** Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 31.07.2024 made in W.P.No.2167 of 2019 and thereby allow the above Writ Appeal.

For Appellants : Mr.Neethiperumal, Government Advocate

For Respondent : Mr.V.Sivalingam

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## **J U D G M E N T**

**WEB COPY** (Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

We see no merit in the appeal. Admittedly, the respondent who was removed from service was directed to be reinstated by the Division Bench of this Court by its order dated 12.08.2004 made in W.P.No.11641 of 2003. The operative portion of the order of the Division Bench reads as follows:-

*7. The intention under the G.O. issued for employment on compassionate ground is to give protection to the members of the family of the deceased employee. By no stretch of imagination, it can be stated that the children born through the second wife, even though the second marriage is void, are not members of such family. Having regard to all these aspects, we quash the order passed by the Tribunal and quash the order of termination. Accordingly, the writ petition is allowed. It would be deemed that the petitioner is restored in service from 01.07.2002. However, in the facts and circumstances of the case, she would be entitled to 50% of the wages for the aforesaid period.*



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2. Pursuant to the order of the Division Bench, the respondent was reinstated in service with effect from 12.08.2004 viz., the date of the order of the Division Bench and was paid 50% back wages as directed by the Division Bench.

3. This was challenged by the respondent in W.P.No.17622 of 2008 and the said Writ Petition was allowed and a direction was issued to pay the back wages from 01.07.2002 to 12.08.2004 that was also paid. The petitioner's claim increment for the period from 01.07.2002 to 12.08.2004 and the same was rejected by the order impugned in the Writ Petition, leading to the challenge.

4. It is the contention of the learned Government Advocate that since the respondent was granted only 50% back wages, she would not be entitled to increments during that period.



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5. The learned Single Judge rightly rejected the said contention and concluded that once reinstatement is ordered with effect from a particular date with all other benefits, the appellants cannot deny the benefit of increment to the respondent.

6. Even before us it is the contention of the learned Government Advocate that the Division Bench had chosen to grant only 50% of back wages. Therefore, she will not be entitled to any other benefits.

7. The language of the order of the Division Bench assumes importance. The Division Bench had very clearly stated that “it would be deemed that the petitioner is restored to service from 01.07.2002, however, in the facts and circumstances of the case, she would be entitled to 50% wages for the aforesaid period” This would only mean that she would get all attendant benefits as if she had been in service from 01.07.2002 and it is only the back wages that is curtailed.



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8. We do not see any reason to interfere with the order of the writ

Court. The Writ Appeal fails and it is accordingly **dismissed**. No costs.

Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (K.S.,J.)  
25.06.2025

dsa

Index : No

Internet : Yes

Neutral Citation : No

Speaking order

To

1.The Secretary to Government,  
School Education Department,  
Fort St. George, Chennai – 600 009.

2.The Director of School Education,  
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**and**  
**K.SURENDER, J.**

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