



W.P.(MD).No.18633 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD).No.18633 of 2019 and
WMP(MD).No.15001 of 2019

AR. John Britto

... Petitioner

Vs.

1.The Chief Educational Officer,
Sivaganga District,
Sivagangai.

2.The District Educational Officer,
Sivaganga Educational District,
Sivaganga.

3.The District Educational Officer,
Devakottai Educational District,
Devakottai, Sivaganga.

4.The District Educational Officer,
Thirupathur Educational District,
Thirupathur.

5.The Secretary,
Shree Dhandayuthapani High School,
Kandaramanickam,
Sivagangai District.

6.The Secretary,
Somasundaram Chettiar Higher Secondary School,



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Okkur, Sivagangai District.

... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to call for the records relating to the letter dated 23.02.2018 and 24.07.2019 of the fifth respondent and quash the same and direct the respondents to regularize the services of the petitioner for the period from 22.11.2002 to 13.10.2003 and pay him salary in accordance with the sixth and seventh pay Commissions along with increments, dearness allowance, surrendered earned leave and salary for the two periods of suspension totalling to 97 days.

For Petitioner : Ms. P. Selvi

For Respondents 1 to 4 : Mr.N. Satheesh Kumar
Additional Government Pleader

For respondent No.5 : Mr. R. Sundar Srinivasan

ORDER

This Writ Petition has been filed to call for the records relating to the letters dated 23.02.2018 and 24.07.2019 issued by the fifth respondent and quash the same, and consequently direct the respondents to regularize the services of the petitioner for the period from 22.11.2002 to 13.10.2003 and to pay him salary in accordance with the VI and VII Pay Commissions, along with



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increments, dearness allowance, surrendered earned leave, and salary for the two periods of suspension totalling 97 days.

2. According to the petitioner, though he has been continuously engaged in the sixth respondent School as B.T. Assistant, he has not been paid salary in terms of the subsequent Pay Commissions from 2000 onwards. Further, there has been non-payment of salary for the period from 27.11.2002 to 13.10.2003. The petitioner contends that though he had served during that period, his service was not taken into account by the respondents. More particularly, the sixth respondent has failed to pay salary for the said period. It is further stated that the petitioner had challenged the order of deployment passed by the first respondent, dated 19.11.2002, and during that period, there was a stay in his favour. Subsequently, he was allowed to rejoin in the sixth respondent School. However, the period between 27.11.2002 and 13.10.2003 was not regularized for the purpose of salary and pay revision. The petitioner contends that since there was an interim order in his favour, he is entitled to regularization of that period. Hence, he prays for a direction to the respondents to regularize his service and grant him all consequential benefits.



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3. The learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that as per the letter dated 15.12.2023, it has been stated that a reference letter was forwarded by the second respondent to the sixth respondent regarding the regularization of the said period. It has also been stated that the pay of the petitioner has been revised in terms of the VI and VII Pay Commissions.

4. It is an admitted fact that the petitioner had challenged the order of deployment from 5th respondent school to 6th respondent school. However, the same was dismissed, and admittedly, the petitioner had not joined duty from 27.11.2002 to 13.10.2003, ie., for a period of 321 days. The petitioner is now seeking regularization of the said period for the purpose of pay revision. Since the petitioner did not obtain any order in his favour for the said period in the earlier proceedings, he is not entitled to salary for that period, as stated by the second respondent in the proceeding dated 15.12.2023. The sixth respondent shall regularize the service of the petitioner by treating the period from 27.11.2002 to 13.10.2003 as loss of pay and thereafter, revise his pay in accordance with the VI and VII Pay Commissions. It is also noted that the petitioner, in his representation, has agreed to treat the said period as loss of



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pay. Based on the same, the sixth respondent School is directed to pass suitable orders and revise the petitioner's salary in accordance with the eligible pay scale.

5. Accordingly, the Writ Petition is partly allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

21.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
trp

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To



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