



WEB COPY

W.A.Nos.2047 & 2058 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.Nos.2047 and 2058 of 2023
AND
C.M.P.Nos.17377, 17381 and 17492 of 2023

W.A.No.2047 of 2023

1. The Secretary to Government
School Education Department,
Fort St. George, Secretariat,
Chennai 9.
2. The Director of Elementary Education
College Road, Chennai 6.
3. The District Educational Officer
Ariyalur, Ariyalur District.
4. The Block Education Officer
Block Education Office,
Thirumanur Union, Ariyalur District.

..Appellants

-VS-

T.Shanthi

..Respondent

W.A.No.2058 of 2023

1. The Secretary to Government
School Education Department,
Fort. St. George, Secretariat,
Chennai 600 009.
2. The Director Of Elementary Education
College Road, Chennai 600 006



3. The District Elementary Educational Officer, Ariyalur, Ariyalur District.

4. The Block Development Officer
Block Education Office,
Thirumanur Union, Ariyalur District.

... Appellants

-VS-

G.Vanitha

..Respondent

Common Prayer: To set aside the order dated 19.07.2021 made in W.P.Nos.13736 and 13735 of 2021.

For Appellants: Dr.R.Gouri, Govt. Counsel

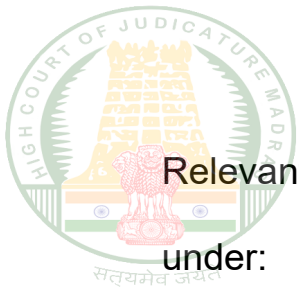
For Respondent(s): No Appearance

COMMON JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

The present Writ Appeals have been filed, challenging the writ order dated 19.07.2021 in W.P.Nos.13736 and 13735 of 2021.

2. Respondents filed writ proceedings, seeking the benefit of fixation of pay. Writ Court allowed writ petitions by relying on the judgment of a Division Bench of Madurai Bench of Madras High Court. However, State preferred Rev.Aplc.(MD) Nos.89 and 117 of 2021 and a Division Bench of Madurai Bench of Madras High Court allowed Review Applications filed by State, by setting aside the judgment dated 03.06.2021 passed in W.A.(MD) Nos.962 of 2018 and 1038 of 2020.



Relevant Paragraphs of the order passed in Review Applications read as under:

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“28.As per One Man Commission only pay revised in G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009. To remove anomalies in G.O.Ms.No.234 Finance (Pay Cell) Department, dated 01.06.2009 G.O.Ms.No.270 Finance (Pay Cell) Department, dated 26.08.2010, was issued.

29.In G.O.Ms.No.270 Finance (Pay Cell) Department, dated 26.08.2010, after revising the pay and date also fixed for the effect. In addition special allowance for Rs.500/- was granted to Secondary Grade teachers w.e.f.,01.08.2010 which was also enhanced to Rs.750/- and converted it as special pay w.e.f., 01.01.2011. As per Schedule-I attached to the Rule-III of revised pay scale rules only pay revised and no grant of special allowance.

30.Subsequently, G.O.Ms.No.58 Finance (Pay Cell) Department was issued on 25.02.2011, for fixation of pay to Headmasters in which also special pay stated to be fixed from 01.08.2010. Both the G.O.Ms.No.234 Finance (Pay Cell) Department, dated 01.06.2009 and G.O.Ms.No.58 Finance (Pay Cell) Department, dated 25.02.2011 were not produced before either writ Court or Division Bench.

31.Due to wrong counter, the correct date of fixation could not be looked into. The 3rd respondent has stated in the counter that already Rs.500/- is granted to writ petitioners. But, admittedly, the writ petitioners neither received order for special allowance nor special allowance of Rs.500/- till date.

32.Presentation of G.O.234 Finance (Pay Cell) Department, dated 01.06.2009 and G.O.Ms.No.58 Finance (Pay Cell) Department, dated 25.02.2011 enlighten the matter, which was not done by the Government either in writ or writ appeal.

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.

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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) 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."

3. The judgment relied on in the writ order impugned was reviewed by the Division Bench of this Court and therefore, the said order passed in Review Applications is to be followed for deciding the present writ appeals.



4. In view of the order passed in Review Applications, both Writ Appeals stand allowed. The impugned common writ order dated 19.07.2021 passed in W.P.Nos.13736 and 13735 of 2021 is hereby set aside. No costs. Consequently, connected Miscellaneous Petitions are closed.

(S.M.S.,J.) (N.S.,J.)
09-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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