

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twenty First day of April Two Thousand and Twenty Three

PRESENT

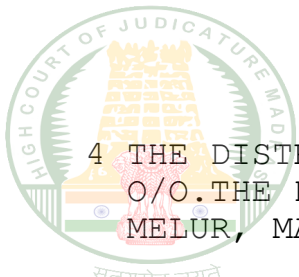
The Hon`ble Mr.Justice R.SUBRAMANIAN
and
The Hon`ble Mrs.Justice L. VICTORIA GOWRI

WA(MD) Nos.498 to 504 of 2023
and
CMP(MD) Nos.5120, 5123, 5131, 5132, 5134, 5135 & 5137 of 2023

S.PANDIMADEVI	... APPELLANT/PETITIONER in WA(MD) No.498 of 2023
P.LATHA SUNDARI	... APPELLANT/PETITIONER in WA(MD) No.499 of 2023
S.MUTHARASI	... APPELLANT/PETITIONER in WA(MD) No.500 of 2023
M.GOVINDAMMAL	... APPELLANT/PETITIONER in WA(MD) No.501 of 2023
T.SELVI	... APPELLANT/PETITIONER in WA(MD) No.502 of 2023
K.GUNASEKARAN	... APPELLANT/PETITIONER in WA(MD) No.503 of 2023
B.SANTHI	... APPELLANT/PETITIONER in WA(MD) No.504 of 2023

Vs

- 1 THE PRINCIPAL SECRETARY TO THE GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
FORT ST.GEROGE, CHENNAI-9.
- 2 THE DIRECTOR OF ELEMENTARY EDUCATION,
DPI COMPOUND, COLLEGE ROAD,
CHENNAI-600 006.
- 3 THE CHIEF EDUCATIONAL OFFICER,
O/O.THE CHIEF EDUCATIONAL OFFICER,
MADURAI DISTRICT.



4 THE DISTRICT EDUCATIONAL OFFICER,
O/O.THE DISTRICT EDUCATIONAL OFFICER,
MELUR, MADURAI DISTRICT.

5 THE BLOCK EDUCATIONAL OFFICER,
KOTTAMPATTI BLOCK,
MADURAI DISTRICT.

... RESPONDENTS/RESPONDENTS
IN ALL APPEALS

PRAYER IN WA(MD)No. 498 OF 2023:

Appeals filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the order passed in WP(MD)No. 14853 OF 2021 dated 24.02.2023 on the file of this Hon'ble Court.

Prayer in CMP(MD). 5120/ 2023 :

To pass an order of interim stay of operation of the impugned order in Na.KA.No.883/A2/2021 dated 07-07-2021 on the file of the Respondent No.5 pending disposal of the Writ Appeal.

Prayer in WP(MD). 14853/ 2021 :

To issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.Ka.No.883/A2/2021 dt. 07.07.2021 on the file of the Respondent No.5 and quash the same as illegal and consequently for a direction, forbearing the Respondents from recovering the incentive increment granted to the petitioner in the light of the Judgement of this Honble Court in W.P.(MD).No.21368 of 2014 dt. 05.04.2017, W.A.(MD).No.938 of 2018 dt. 13.07.2018 and W.A.(MD).No.658 of 2019 dt. 01.07.2019.

PRAYER IN WA(MD)No. 499 of 2023:

pleased to set aside the order passed in WP(MD)No. 14854 OF 2021 dated 24.02.2023 on the file of this Hon'ble Court.

Prayer in CMP(MD). 5123/ 2023 :

To pass an order of interim stay of operation of the impugned order in Na.KA.No.997/A2/2021 dated 07-07-2021 on the file of the Respondent No.5 pending disposal of the Writ Appeal.

Prayer in WP(MD). 14854/ 2021 :

To issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.Ka.No.997/A2/2021 dt. 07.07.2021 on the file of the Respondent No.5 and quash the same as illegal and consequently for a direction, forbearing the Respondents from recovering the incentive increment granted to the petitioner in the light of the Judgement of this Honble Court in W.P.(MD).No.21368 of 2014 dt. 05.04.2017, W.A.(MD).No.938 of 2018 dt. 13.07.2018 and W.A.(MD).No.658 of 2019 dt. 01.07.2019.



PRAYER IN WA(MD)No. 500 of 2023:

pleased to set aside the order passed in WP(MD)No. 14855 OF 2021 dated 24.02.2023 on the file of this Hon'ble Court.

Prayer in CMP(MD). 5131/ 2023 :

To pass an order of interim stay of operation of the impunged order in Na.Ka.No.997/A2/2021 dated 07-07-2021 on the file of the Respondent No.5 pending disposal of the Writ Appeal.

Prayer in WP(MD). 14855/ 2021 :

To issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.Ka.No.997/A2/2021 dt. 07.07.2021 on the file of the Respondent No.5 and quash the same as illegal and consequently for a direction, forbearing the Respondents from recovering the incentive increment granted to the petitioner in the light of the Judgement of this Honble Court in W.P.(MD).No.21368 of 2014 dt. 05.04.2017, W.A.(MD).No.938 of 2018 dt. 13.07.2018 and W.A.(MD).No.658 of 2019 dt. 01.07.2019.

PRAYER IN WA(MD)No. 501 of 2023:

pleased to set aside the order passed in WP(MD)No. 14856 OF 2021 dated 24.02.2023 on the file of this Hon'ble Court.

Prayer in CMP(MD). 5132/ 2023 :

To pass an order of interim stay of operation of the impunged order in Na.Ka.No.883/A2/2021 dated 07-07-2021 on the file of the Respondent No.5 pending disposal of the Writ Appeal .

Prayer in WP(MD). 14856/ 2021 :

To issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.Ka.No.883/A2/2021 dt. 07.07.2021 on the file of the Respondent No.5 and quash the same as illegal and consequently for a direction, forbearing the Respondents from recovering the incentive increment granted to the petitioner in the light of the Judgement of this Honble Court in W.P.(MD).No.21368 of 2014 dt. 05.04.2017, W.A.(MD).No.938 of 2018 dt. 13.07.2018 and W.A.(MD).No.658 of 2019 dt. 01.07.2019.

PRAYER IN WA(MD)No. 502 of 2023:

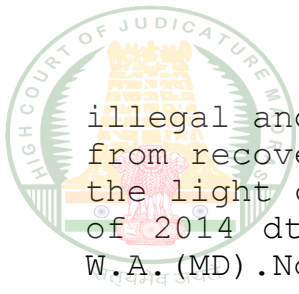
pleased to set aside the order passed in WP(MD)No. 14857 OF 2021 dated 24.02.2023 on the file of this Hon'ble Court.

Prayer in CMP(MD). 5134/ 2023 :

To pass an order of interim stay of operation of the impunged order in Na.Ka.No.883/A2/2021 dated 07-07-2021 on the file of the Respondent No.5 pending disposal of the Writ Appeal .

Prayer in WP(MD). 14857/ 2021 :

To issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.Ka.No.883/A2/2021 dt. 07.07.2021 on the file of the Respondent No.5 and quash the same as



illegal and consequently for a direction, forbearing the Respondents from recovering the incentive increment granted to the petitioner in the light of the Judgement of this Honble Court in W.P.(MD).No.21368 of 2014 dt. 05.04.2017, W.A.(MD).No.938 of 2018 dt. 13.07.2018 and W.A.(MD).No.658 of 2019 dt. 01.07.2019.

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PRAYER IN WA(MD)No. 503 of 2023:

pleased to set aside the order passed in WP(MD)No. 14858 OF 2021 dated 24.02.2023 on the file of this Hon'ble Court.

Prayer in CMP(MD). 5135/ 2023 :

To pass an order of interim stay of operation of the impugned order in Na.Ka.No.883/A2/2021 dated 07-07-2021 on the file of the Respondent No.5 pending disposal of the Writ Appeal.

Prayer in WP(MD). 14858/ 2021 :

To issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.Ka.No.883/A2/2021 dt. 07.07.2021 on the file of the Respondent No.5 and quash the same as illegal and consequently for a direction, forbearing the Respondents from recovering the incentive increment granted to the petitioner in the light of the Judgement of this Honble Court in W.P.(MD).No.21368 of 2014 dt. 05.04.2017, W.A.(MD).No.938 of 2018 dt. 13.07.2018 and W.A.(MD).No.658 of 2019 dt. 01.07.2019.

PRAYER IN WA(MD)No. 504 of 2023:

pleased to set aside the order passed in WP(MD)No. 14859 OF 2021 dated 24.02.2023 on the file of this Hon'ble Court.

Prayer in CMP(MD). 5137/ 2023 :

To pass an order of interim stay of operation of the impugned order in Na.Ka.No.997/A2/2021 dated 07-07-2021 on the file of the Respondent No.5 pending disposal of the Writ Appeal.

Prayer in WP(MD). 14859/ 2021 :

To issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.Ka.No.997/A2/2021 dt. 07.07.2021 on the file of the Respondent No.5 and quash the same as illegal and consequently for a direction, forbearing the Respondents from recovering the incentive increment granted to the petitioner in the light of the Judgement of this Honble Court in W.P.(MD).No.21368 of 2014 dt. 05.04.2017, W.A.(MD).No.938 of 2018 dt. 13.07.2018 and W.A.(MD).No.658 of 2019 dt. 01.07.2019.

ORDER : These appeals coming up for orders on this day, upon perusing the appeals and the affidavits filed in support thereof and upon hearing the arguments of MR.ASWIN RAJASIMMAN, Advocate for M/S.LAJAPATHI ROY AND ASSOCIATES for the appellant in all the appeals and of MR.D.SADIQ RAJA, Additional Government Pleader on behalf of the Respondents in all the appeals, while admitting the Writ Appeals, the court made the following order:-



Admit. Notice.

There shall be an order of interim stay of recovery if not already effected.

sd/-
21/04/2023

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/ TRUE COPY /

/04/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE PRINCIPAL SEC TO THE GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
FORT ST.GEROGE, CHENNAI-9.
- 2 THE DIRECTOR OF ELEMENTARY EDUCATION,
DPI COMPOUND, COLLEGE ROAD,
CHENNAI-600 006.
- 3 THE CHIEF EDUCATIONAL OFFICER,
O/O.THE CHIEF EDUCATIONAL OFFICER,
MADURAI DISTRICT.
- 4 THE DISTRICT EDUCATIONAL OFFICER,
O/O.THE DISTRICT EDUCATIONAL OFFICER,
MELUR, MADURAI DISTRICT.
- 5 THE BLOCK EDUCATIONAL OFFICER,
KOTTAMPATTI BLOCK,
MADURAI DISTRICT.

+8. C.C. to M/S.LAJAPATHI ROY AND ASSOCIAT Advocate SR.No.6475(I)

ORDER
IN
WA(MD) Nos.498 to 504 of 2023
and
CMP(MD) Nos.5120, 5123, 5131,
5132, 5134, 5135 & 5137 of 2023
Date :21/04/2023

PKP/VR/SAR-2/26.04.2023/ **5P/14C**