

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2015

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P.No.23456 of 2015

and M.P.Nos.1 and 2 of 2015

N.Sathish

... Petitioner

-Versus-

- 1.State of Tamil Nadu,
Rep. By its Secretary,
Finance (PC) Department,
Fort St. George,
Chennai 600 009.
- 2.The Director of School Education,
College Road,
Chennai 600 006.
- 3.The District Educational Officer,
Lalgudi,
Trichy.
- 4.The Secretary,
Dalmia Higher Secondary School,
Dalmiapuram,
Trichirapalli District,
Pin Code 621 651.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Certiorari fied Mandamus calling for the records of the 3rd respondent relating to the proceedings in A/Thi/Mu. No.5198/Aa.2/13 dated 12.11.2013 and to quash the same insofar it relates to the return of the proposal forwarded by the 4th respondent for the grant of one bonus increment on his completion of 30 years of combined service on 20.06.2013 in the analogous posts of Librarian and Junior Assistant, which carry the same scale of pay, in the 4th respondent school and for a consequential direction to the respondents to grant all consequential benefits of arrears of pay and allowances, pensionary benefits and other benefits in consequence thereof.

For petitioner : Ms.M.Srividhya

For respondents : Mr.M.S.Ramesh,
Additional Government Pleader

ORDER

The petitioner was originally appointed as Librarian in the 4th respondent school on 20.06.1983. On completion of ten years of service, he was awarded selection grade scale. Consequent upon the revision of pay scales, his pay in the selection grade was refixed.

2. While so, a vacancy arose in the post of Junior Assistant on account of retirement. The post of Junior Assistant carried the same scale of pay as that of the post of Librarian. Therefore, the petitioner opted for promotion to the post of Junior Assistant and a proposal was also made by the 4th respondent to the third respondent. The petitioner was accordingly promoted as Junior Assistant. While so, on completion of 20 years of service, he was awarded special grade scale of pay at Rs.4300-100-6000/- and his basic pay was fixed at Rs.5000/- plus Rs.220/- personal pay. Subsequently, his pay was refixed consequent upon the revision of pay scales.

3. It is the further case of the petitioner that on 20.06.2003 he had completed 30 years of service and as such he is entitled for one bonus increment on account of stagnating in a post beyond 30 years. Accordingly, a proposal was sent by the 4th respondent to the 3rd respondent. But, the proposal was rejected by the 3rd respondent on 12.11.2003 on the ground that the petitioner moved to the post of Junior Assistant only on 30.06.2000 and as such he had not completed 30 years in the same post. While so, the petitioner retired on 31.12.2013 on attaining the age of superannuation.

4. The grievance of the petitioner is that since the posts of Junior Assistant and the Librarian carry the identical scale of pay, he is entitled to the benefits passed on to the employees under G.O.Ms.No.234, Finance (Pay Cell) Department dated 01.06.2009. Hence, he is now before this court challenging the order of the 3rd respondent refusing to grant the bonus increment to him on completion of thirty years of service in the same post.

5. Heard both sides and also perused the records carefully.

6. Admittedly, by G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009 followed by G.O.Ms.No.231, School Education (C1) Department dated 04.09.2012 certain benefits have been granted to the employees of the State who have reached the selection / special grade, as the case may be. Now, it is not in dispute that the Government by letter No.48211/Pay Cell/2012-1, dated

09.10.2012 clarified the position that the employees on promotion to the higher posts on identical scale of pay, i.e., in the same pay band and the same Grade pay in the revised pay structure, are also entitled for the benefit of one increment equal to 3% of basic Pay (pay + Grade Pay) in the lower post. In the instant case, when a proposal for bonus increment to the petitioner was sent, the same was rejected by the 3rd respondent, which is now under challenge.

7. It is brought to the notice of this court that after the impugned order, the petitioner made a representation to the 1st respondent as well as to the Director of School Education, Chennai, with regard to sanction of bonus increment on completion of thirty years of service.

8. A perusal of the impugned order would go to show that the 3rd respondent has not at all considered the relevant Government Orders cited supra and has simply refused to accord approval for the grant of one bonus increment for his own reasons. Thus, the impugned order requires interference at the hands of this court.

9. In the result, the writ petition is allowed and the impugned order is set aside. In the facts and circumstances of the case, The 1st respondent is directed to consider the representation of the petitioner dated 05.06.2015 with regard to grant of one bonus increment in the light of G.O.Ms.No.234, Finance (Pay Cell) Department dated 01.06.2009, G.O.Ms.No.231, School Education (C1) Department dated 04.09.2012 and G.O.Ms.No.237, Finance (Pay Cell) Department, dated 22.07.2013 to the petitioner on completion of thirty years of service and to pass appropriate orders on merits and in accordance with law after affording due opportunity to the petitioner, if so warranted. No costs. Consequently, connected MPs are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

kmk

To

1.The Secretary, Finance (PC) Department, Fort St. George, Chennai 600 009.

2.The Director of School Education, College Road, Chennai-600006.

3.The District Educational Officer, Lalgudi, Trichy.

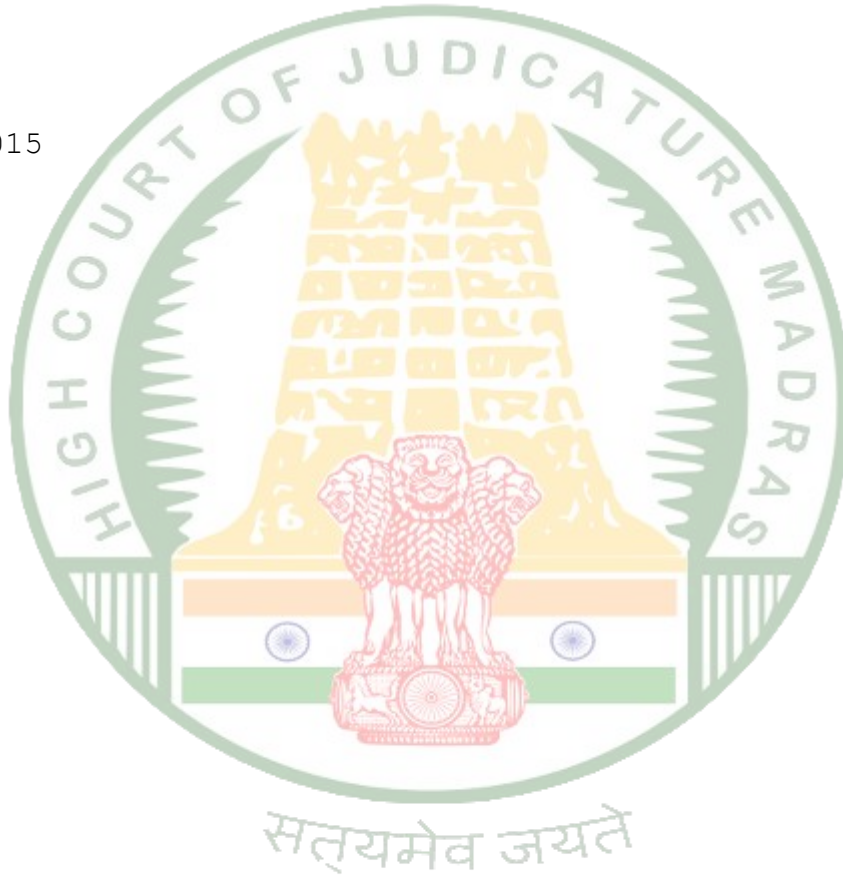
4.The Secretary, Dalmia Higher Secondary School, Dalmiapuram,
Trichirapalli District, Pin Code 621 651.

+1 cc to M/S.M.SriVidhya Advocate sr.43897

+1 cc to Government Pleader,High Court Madras
sr.43856

W.P.No.23456 of 2015

rsk(co)
aa03/09/2015



WEB COPY