

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 05.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31177/2015

R.Periyasamy

... Petitioner

Versus

1. The Principal Secretary
Government of Tamil Nadu
School Education Department
Fort St George, Chennai 600 009.

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

3. The Chief Educational Officer
Erode, Erode District.

4. The District Educational Officer
Erode, Erode District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to grant selection and special grade scale of pay to the petitioner in the post of Craft Instructor [Pre-vocational Instructor] as per G.O.Ms.No.1195 Education [NJC2] Department dated 22.08.1985 and consequently fix corresponding pay in the post of Tamil Pandit and then fix the last drawn pay and grant arrears of pay and pension.

For Petitioner : Mr.R.Saseetharan

For RR 1 to 4 : Mr.V.Subbiah,
Special Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner was appointed as a Pre-Vocational Instructor at Panchayat Union Middle School at Elumathur, Modakuruchi Panchayat Union, Erode District on part time basis on 29.01.1965 and was appointed as Full-time Pre-Vocational Instructor

in the same Panchayat Union on 05.12.1968. The Government of Tamil Nadu, taking into consideration the fact that the Vocational Instructors like the petitioner, are discharging the same function, has passed G.O.Ms.No.1366, School Education Department, dated 05.09.1986 revising the qualification of Pre-Vocational Instructor to that of SSLC qualification and the said Government Order further directs that with regard to the persons who passed SSLC qualification, they are entitled for the Secondary Grade Teacher scale of pay of Rs.610-1075 and for the Pre-Vocational Instructors who have not passed SSLC examination, 3 years time has been given to pass the said examination and the petitioner has passed the said examination during April 1988 and his pay was fixed in the Secondary Grade Teacher scale of pay in the post of Vocational Instructor on 02.11.1988. The Education Department has passed one more Government order in G.O.Ms.No.1195 dated 22.08.1989 in and by which, it directs that the Pre-Vocational Instructors are entitled for selection and special grade of pay and the petitioner was promoted as Tamil Pandit on 14.02.2000 and his pay was fixed in the ordinary scale of pay as Tamil Pandit, of Rs.5500-10500. The petitioner retired from service on 31.05.2003. The grievance expressed by the petitioner that in the light of the fact that he was granted Secondary Grade Teacher scale of pay on passing SSLC examination, he is entitled for selection and special grade of pay by counting his service right from the date of his initial appointment and in this regard, the petitioner has submitted a representation dated 07.04.2015 to the respondents and since no orders have been passed, he came forward to file this writ petition.

3. Learned counsel for the petitioner would submit that the matter in issue is squarely covered by the order dated 27.07.2001 made in WP.No.12066/1999 [THE DISTRICT EDUCATIONAL OFFICER, THIRUVANNAMALAI AND OTHERS Vs. K.T.MARGASAKAYAM AND ANOTHER] and it is also covered by the yet another Judgment reported in 2008 WLR 1000 [A.SIVAJI Vs. THE UNION OF INDIA REP. BY ITS SECRETARY TO GOVERNMENT, MINISTRY OF ROAD TRANSPORT OF HIGHWAYS DEPARTMENT, NEW DELHI] and prays for appropriate orders.

4. This Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents.

5. Though the petitioner has sought for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioner's representation dated 07.04.2015 on merits and in accordance with law and pass orders within a period of ten weeks from the date of

receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Principal Secretary
Government of Tamil Nadu
School Education Department
Fort St George, Chennai 600 009.
2. The Director of School Education,
College Road, Chennai 600 006.
3. The Chief Educational Officer
Erode, Erode District.
4. The District Educational Officer
Erode, Erode District.

+1cc to Mr.R.Saseetharan, Advocate, S.R.No.53871
+2cc's to the Government Pleader, S.R.No.54052 & 54229

W.P.No.31177 of 2015

SR(CO)
CA(15/10/2015)

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