

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2017

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.31534 of 2014

and

M.P.No.1 of 2014

1.A.Idayaselvan
2.R.Bhuvaneswaran
3.V.V.Balaji
4.G.Kavichelvi
5.J.Jaya
6.C.Babu
7.G.Umamaheswari
8.V.Baskaran
9.A.Shahul Hameed
10.C.Venkatagiri
11.G.Umapathi
12.N.Saravanan
13.N.Mangalanathan
14.C.Bharathi Dasan
15.D.Thoppa Rajan
16.R.Saravana Babu
17.P.S.Payani
18.P.C.Viveka
19.T.Gnanasekar
20.A.Muruganandan
21.S.Karthikeyan
22.M.K.Kannan
23.R.S.Muralidharan

.. Petitioners

सत्यमेव जयते
Vs.

Government of Tamil Nadu,
rep. by its Secretary,
School Education Department,
Fort St. George,
Chennai-600 009.

.. Respondent

Petition filed under Article 226 of The Constitution of India praying for issuance of a writ of Certiorarified mandamus to call for the entire records which culminated in issuing the order in Letter No.9097/C.C.1(3)/2014-4 dated 30.09.2014 on the file of the respondent, quash the same and consequently direct the respondent to extend the benefit of G.O.(1D) No.327,

Education Department dated 18.11.2013 in favour of the petitioners, fix their scale of pay at Rs.2000-3500 or the corresponding pay as per the subsequent VI Pay Commission from the date of regularisation of their service in the cadre of Vocational Instructor with all consequential service and monetary benefits.

For Petitioner .. Mr.S.Mani
For Respondent.. Mr.T.M.Pappiah,
Spl. Govt. Pleader

ORDER

Writ petition has been filed for issuance of a Certiorarified mandamus to call for the entire records which culminated in issuing the order in Letter No.9097/C.C.1(3)/2014-4 dated 30.09.2014 on the file of the respondent, quash the same and consequently direct the respondent to extend the benefit of G.O.(1D) No.327, Education Department dated 18.11.2013 in favour of the petitioners, fix their scale of pay at Rs.2000-3500 or the corresponding pay as per the subsequent VI Pay Commission from the date of regularisation of their service in the cadre of Vocational Instructor with all consequential service and monetary benefits.

2.The petitioners herein are working as Vocational Instructors and they have approached this Court seeking for extension of benefit granted under G.O.(1D) No.327, Education Department dated 18.11.2013 by fixing the pay scale at Rs.2000-3500/- or the corresponding pay as per subsequent Sixth Pay Commission in the cadre of Vacation Inspector with the consequential monetary benefits. According to the petitioners, though some of them are holding valid degrees, their pay has been fixed at Rs.1400-2600 (under Fifth Pay Commission), but the similarly placed persons had been granted a higher pay scale of Rs.2000-3500/-. Therefore, number of representations were addressed to the competent authority for grant of higher pay scale on par with the other similarly placed persons. According to the petitioners, one G.Narayanasamy approached the then Tamil Nadu Administrative Tribunal in O.A.No.1755 of 1998, which application stood transferred to this Court and renumbered as W.P.No.32121 of 2006. The said G.Narayanasamy prayed for grant of pay scale at Rs.2000-3500/-. This Court disposed of the writ petition in W.P.No.32121 of 2006 on 05.01.2010, allowing the prayer sought for by the said G.Narayanasamy. As against the order passed by the Single Judge, the Department filed an appeal in W.A.No.1814 of 2011 before the Division Bench of this Court and the same was dismissed on 17.11.2011. As against the dismissal order dated 17.11.2011 of the Division Bench of

this Court, a special leave petition in SLP(Civil).No.22874 of 2012 was preferred before the Hon'ble Supreme Court of India and the same was dismissed on 01.07.2013. Thereafter, the Government had issued G.O.(1D) No.327, Education Department dated 18.11.2013 by offering the benefit of higher pay fixation to the said G.Narayanasamy.

3.However, the benefit of the above said Government Order had not been extended to similarly placed persons like some of the petitioners herein and therefore, they were constrained to approach this Court in W.P No.1582 of 2014 and the said writ petition was disposed of on 22.01.2014, directing the respondents to consider the representation of the petitioners and the other similarly placed persons and pass appropriate orders, in the light of the above said Government Order.

4.In pursuance of the above direction, the respondent passed an order dated 30.09.2014, rejecting the claim of the petitioners on the ground that they are not the degree holders and cannot compare themselves for the benefit extended to the said Narayanasamy. As against the rejection order dated 30.09.2014, the present writ petition has been filed.

5.Today, when the matter is taken up for hearing, Mr.S.Mani, the learned counsel for the petitioners would submit that some of the petitioners herein are valid degree holders and therefore, the rejection order dated 30.09.2014 of the respondent on the ground that they are not the degree holders, cannot be countenanced both on facts and in law. Since some of the petitioners, who are in possession of valid degrees are identically placed with that of G.Narayanasamy, they are also entitled to the benefit under G.O.(1D) No.327, Education Department dated 18.11.2013 and therefore, in all fours, they are entitled for the said benefit.

6.Mr.T.M.Pappiah, the learned Special Government Pleader would submit that let the eligible petitioners approach the respondent and produce their degree certificates and there upon the authority shall be directed to pass orders by offering the benefit granted under G.O.(1D) No.327, Education Department dated 18.11.2013.

7.Considering the submissions made by the learned counsel appearing for the parties, this Court directs the petitioners, who are in possession of valid degrees to produce their degree certificates before the respondent within one week alongwith necessary representations. On production of such certificates, the respondent is directed to pass appropriate orders in terms of G.O.(1D) No.327, Education Department dated

18.11.2013, within a period of two months from the date of receipt of a copy of this order. It is also made clear that if the persons who produce the degree certificates are eligible in terms of the benefit granted under the said Government Order shall be conferred on the petitioners who hold valid degree certificates.

8.The writ petition is disposed of, with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

dn
To

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

+ 1 cc to M/s. S. Mani, Advocate Sr.62438
+4 ccs to M/s. S. Mani, Advocate Sr.62438 (31.10.2017
+ 1 cc to the Government Pleader SR.63380

GP (CO)
EU (31/10/2017)

सत्यमेव जयते W.P.No.31534 of 2014

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