



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.05.2018
CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

WEB COPY

W.P(MD) Nos.11700 to 11708 of 2018

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|------------------------|--|
| 1.P.Ravi | .. Petitioner in W.P.(MD) No.11700 of 2018 |
| 2.S.Thamaraiselvi | .. Petitioner in W.P.(MD) No.11701 of 2018 |
| 3.S.Bethanagu | .. Petitioner in W.P.(MD) No.11702 of 2018 |
| 4.C.Vadivel | .. Petitioner in W.P.(MD) No.11703 of 2018 |
| 5.K.Madhavan | .. Petitioner in W.P.(MD) No.11704 of 2018 |
| 6.M.Subbian | .. Petitioner in W.P.(MD) No.11705 of 2018 |
| 7.V.Rajendran | .. Petitioner in W.P.(MD) No.11706 of 2018 |
| 8.N.Kanagaraja Pandian | .. Petitioner in W.P.(MD) No.11707 of 2018 |
| 9.S.Narayanan | .. Petitioner in W.P.(MD) No.11708 of 2018 |

-vs-

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Finance (CMPC) Department,
Fort St.George, Chennai.
2. The Director of School Education,
College Road, Chennai.
3. The Joint Director (Vocational) of School Education,
College Road, Chennai.
..Respondents 1 to 3 in all WPs.
4. The Chief Educational Officer,
Theni District, Theni.
.. 4th Respondent in W.P(MD).Nos.11700,
11702,11703 & 11707 of 2018
- 5.The Chief Educational Officer,
Thanjavur District,
Thanjavur.
.. 4th Respondent in W.P(MD).Nos.11701,
11704 & 11706 of 2018



6.The Chief Educational Officer,
Madurai District, Madurai.

... 4th Respondent in W.P(MD)Nos.11705 and
11708 of 2018

7.The Principal Accountant General (G&SSA),
"LEKHA PARIKSHA BHAVAN"
No.361, Anna Salai,
Teynampet, Chennai-600 018.

... 5th Respondent in all WPs.

PRAYER IN ALL WPs. : Writ petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to revise the petitioners' Scale of Pay as Rs.15600-39100+5400 and provide consequential benefits to the petitioners' within the time stipulated by this Hon'ble Court.

For Petitioners : Mr.R.Venkatesan (in all petitions)
For R1 to R4 : Mr.N.Shanmuga Selvam (in all petitions)
Addl. Govt. Pleader
For R5 : Mr.P.Gunasekaran (in all petitions)

C O M M O N O R D E R

Mr.N.Shanmuga Selvam, learned Additional Government Pleader takes notice for R1 to R4 and Mr.P.Gunasekaran, learned Standing Counsel takes notice for R5. By consent, all these writ petitions are taken up together for final disposal, as the issue involved in these writ petitions are one and the same.

2. For the sake of brevity, the facts are being taken from W.P.(MD) No.11700 of 2018, in which the petitioner sought for a direction to the respondents to revise his Scale of Pay as Rs.15600-39100+5400 and provide consequential benefits to the petitioner.

2.1. The case of the petitioner is that on 27.06.1984, he was temporarily appointed as the part time Vocational Instructor and subsequently, on 05.10.1996, he was permanently appointed as the Vocational Instructor in the Government Higher Secondary School, Utthamapalayam, Theni. After several years of service, the Vocational Instructors were treated on par with the B.T.Assistants and the pay scale was fixed as Rs.15600 + 4600 = Rs.20,200/-, pursuant to which, he was receiving the said scale after 05.10.2006 onwards;

2.2. Admittedly, the pay was provided on the basis of G.O.Ms.No.23 dated 12.01.2011 and the recommendations of One Man Commission. Subsequent to the completion of 10 years of his service, his selection grade pay was automatically fixed as Rs.5400/- without



any demand on his side. However, in the proceedings dated 05.01.2012, it was explained that the grade pay in the selection grade scale of pay pertaining to the B.T.Assistant is restricted to Rs.4,600/- and the same was also restricted to the first level promotion post, viz., Headmaster, High School and the same will not be applicable to the Vocational Instructor like that of the petitioner.

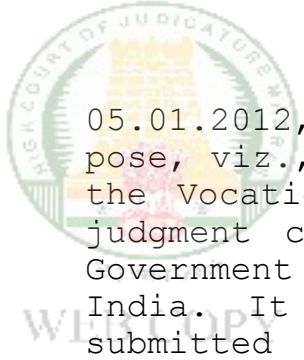
2.3. Due to the said explanation, the Head Master directed the petitioner to repay the amount from 01.01.2011 to 31.07.2013, which comes around Rs.1,40,013/-, in the Treasury Office, Theni. It is submitted that there are no avenue of promotions to the Vocational Instructors, which was duly ascertained from reply dated 26.09.2013, received under the RTI Act. Though they were paid the same pay scale applicable to B.T.Assistants, in the G.O.Ms.No.263, Finance (Pay Cell) Department dated 22.07.2013, the revision of pay scale was ordered with notional effect from 01.01.2006 for the purpose of fixation of pay in the revised scale of pay with monetary benefit from 01.04.2013, since the revised pay scale was provided with monetary effect from 01.01.2011 to the B.T.Assistants in pursuance of G.O.Ms.No.23, Finance (Pay Cell) Department dated 12.01.2011.

2.4. It is the stand of the petitioner that in the letter dated 08.11.2010, it was stated that the revised Selection Grade / Special Grade scales of pay is applicable only to the employees awarded with selection grade / special grade prior to 01.01.2006 and since the petitioner was awarded with selection grade prior to 01.01.2006, the revised pay scale is applicable to him, denial of which, amounts to deprivation of his rights.

2.5. The petitioner, narrating all these facts, has sent a detailed representation dated 25.05.2018 to the respondents for revision of his pay scale as Rs.15600-39100+5400 along with consequential benefits and since the said representation did not evoke any response so far, the petitioner is before this Court. It is brought to the notice of this Court that while dealing with the similar issue in W.P.(MD) Nos.2654, 2924 and 2663 of 2018 and W.P. (MD) No.15980 and 17197 of 2014, this Court had allowed all these writ petitions on 19.03.2018, holding that selection grade Vocational Instructors are entitled to be paid selection grade scale of pay at Rs.15600-39100+GP 5400 admissible with monetary benefits from 01.04.2013.

3. Heard the learned counsel on either side and perused the material documents available on record, including the judgment of this Court, referred to supra.

4. It is seen that the Vocational Instructors were ordered to be treated on par with B.T.Assistants vide G.O.Ms.no.23 dated 12.01.2011, pursuant to the report of One Man Commission. Thereafter, vide proceedings in Letter No.14483/CMPC/2011-1 dated



05.01.2012, such pay was restricted to the first level promotion pose, viz., Headmaster, High School, declining to extend the same to the Vocational Instructors. As rightly held by this Court in the judgment cited supra, a Government letter cannot prevail over a Government Order issued under Article 162 of the Constitution of India. It is pertinent to state here that the representations submitted by the petitioners have not been responded by the respondents and this Court has time and again held that once a representation is received, it is the bounden duty of the authorities concerned to consider and dispose of the same in one way or the other with due intimation and keeping it pending without any decision, is highly depreciable.

5. In fine, considering the facts and circumstances of the case and following judgments of this Court in W.P.(MD) Nos.2654, 2924 and 2663 of 2018 and W.P.(MD) No.15980 and 17197 of 2014, the first respondent is directed to consider the representations dated 25.05.2018, submitted by the petitioners, seeking revision of their scale of pay as Rs.15600-39100+5400 along with consequential benefits and pass appropriate orders thereon in the light of the afore-stated judgments, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, these petitions are disposed of. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
State of Tamil Nadu,
Finance (CMPC) Department,
Fort St.George, Chennai.
2. The Director of School Education,
College Road, Chennai.
3. The Joint Director (Vocational) of School Education,
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4. The Chief Educational Officer,
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6. The Chief Educational Officer,
Madurai District,
Madurai.

7. The Principal Accountant General (G&SSA),
"LEKHA PARIKSHA BHAVAN"
No.361, Anna Salai,
Teynampet, Chennai-600 018.

+1CC to Mr.P.Gunasekaran Advocate in SR.No.66318.

AR

DS/SKN-RSK/SAR-4 :28.06.2018: 5P/9C

W.P(MD) Nos.11700 to 11708 of 2018
30.05.2018