



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.08.2018

CORAM :
THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
W.P (MD) No.17010 of 2018

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P.Padmanabhan

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Department of School Education,
Fort St. George, Chennai - 9.
- 2.The Director of School Education,
O/o.the Director of School Education,
DPI Campus, College Road,
Chennai - 6.
- 3.The Joint Director of School Education (Vocational),
O/o.the Joint Director of School Education (Vocational),
DPI Campus, College Road, Chennai - 6.
- 4.The Chief Educational Officer,
C.E.O's Office, Madurai.
- 5.The Director Educational Officer,
D.E.O's Office, Madurai.
- 6.The Principal Accountant General (G&SSA)
"LEKHA PARIKSHA BHAVAN"
No.361, Anna Salai, Teynampet,
Chennai - 600018.
- 7.The Correspondent,
VHN Higher Secondary School,
13 A Old Kuyavarpalayam Road,
Madurai - 625 009.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Ref.No.P25/4/12517634/ADK dated 17.05.2018 on the file of Respondent No.6 and quash the same as illegal and consequently direct the respondents to disburse the petitioner's retirement benefits by fixing the Grade Pay as Rs.5,400/- with monetary benefits from 01.04.2013, within the time period stipulated by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

For Petitioners : Mr.T.Aswin Rajasimman



For Respondents : Mr.M.Murugan, G.A. RR1 to 5
Mr.P.Gunasekaran, for R6

ORDER

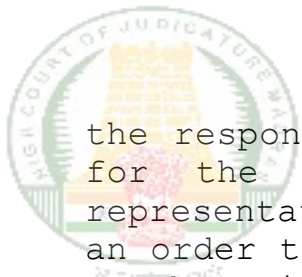
WEB COPY The prayer sought for in this writ petition is for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Ref.No.P25/4/12517634/ADK dated 17.05.2018 on the file of Respondent No.6 and quash the same as illegal and consequently direct the respondents to disburse the petitioner's retirement benefits by fixing the Grade Pay as Rs.5,400/- with monetary benefits from 01.04.2013, within the time period stipulated by this Court.

2.Heard Mr.T.Aswin Rajasimmant, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents 1 to 5 and Mr.P.Gunasekaran, learned standing counsel appearing for the sixth respondent. Since no adverse order is going to be passed against the seventh respondent, notice to the seventh respondent is dispensed with.

3.The learned counsel appearing for the petitioner would submit that the petitioner was working at the 7th respondent school as full time Vocational Instructor and he retired from service on superannuation on 28.02.2018. When the proposal was sent to the respondent for sanction, the same was not sanctioned on the ground that the grade pay fixed at Rs.5400/- to the petitioner shall not be fixed, as the petitioner was not entitled to get the said grade pay.

4.In this regard, the learned counsel appearing for the petitioner would submit that, the issue has already been decided in number of cases by this Court, where the grade pay at Rs.5400/- was allowed to Vocational Instructor as they have no promotional avenue to get further pay. Therefore, at the selection grade, their grade pay can be fixed at Rs.5400/-. Therefore, the earlier fixation given in this regard to the petitioner from 01.04.2013 shall be confirmed and accordingly, pension has to be calculated to the petitioner.

5.In this regard, the petitioner has given representation on 19.06.2018 to the respondents and the learned counsel appearing for the petitioner would submit that, if the said representation is directed to be considered on merits and in accordance with law and an order to that effect is directed to be passed, within a time frame, by taking into account the earlier order passed by this Court, the petitioner would be satisfied.



the respondents 1 to 5 and the learned standing counsel appearing for the sixth respondent, who would submit that the said representation of the petitioner would be considered on merits and an order to that effect would be passed, within a time frame, that may be stipulated by this Court.

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7. Considering the said submissions made by both sides and taking into account the earlier order passed by this Court in W.P. (MD) No.2654 of 2014 dated 19.03.2018 in the matter of L.Natarajan Vs. State of Tamil Nadu represented by its Principal Secretary, Finance Department and others, this Court is inclined to pass the following order:

"The respondents are directed to consider the representation of the petitioner dated 19.06.2018 and pass orders thereon, by taking into account the order passed in the judgment referred to above viz., L.Natarajan case, with regard to the grievance of the petitioner to fix and continue to pay the grade pay at Rs.5400/- and accordingly calculate the pensionary benefits of the petitioner, within a period of six weeks from the date of receipt of a copy of this order."

8. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Principal Secretary to Government,
Department of School Education,
Fort St. George, Chennai - 9.

2. The Director of School Education,
O/o. the Director of School Education,
DPI Campus, College Road, Chennai - 6.

3. The Joint Director of School Education (Vocational),
O/o. the Joint Director of School Education (Vocational),
DPI Campus, College Road, Chennai - 6.

4. The Chief Educational Officer,
C.E.O's Office, Madurai.

5. The Director Educational Officer, D.E.O's Office, Madurai.



+1CC to Mr.T.Lajapathi Roy, Advocate, SR.No. 76408
+1CC to the Special Government Pleader SR.No. 76389

W.P (MD) Nos.17010 of 2018
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ES/RP/SAR 1/14.09.2018/3P/8C