

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.02.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3799 of 2018

K.Poongavanam

..Petitioner

vs

1.The Commissioner
Education Department
Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.

2.The Joint Commissioner
Education Department,
Chennai Corporation,
Ripon Buildings,
Chennai - 600 003

3.The Secretary to Government
Municipal, Admn., & Water Supplies Department
Fort St.George
Chennai - 600 009.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider the Petitioner's representation dated 30.11.2017.

For Petitioner : Mr.T.K.Ashok Kumar

For Respondents : Mr.R.Arunmozhi for R1 & R2
Mr.R.S.Selvam,
Government Advocate for R3

O R D E R

The relief sought for in the present writ petition is for a direction to direct the 1st respondent to consider the Petitioner's representation dated 30.11.2017.

2.The counter filed by the Deputy Commissioner of Education, Greater Chennai Corporation, states that the Government examined the proposals submitted by the Chennai Corporation in the light of the orders passed by the Hon'ble High Court in W.P.No.28054 and 28455 of 2008.

3.Pursuant to the orders of this Court, the Government issued G.O.Ms.No.246, Finance (Pay Cell) Department dated 10.06.2009, wherein the scale of pay of the Teachers, Office Assistants and Ayahs in the kindergarten Schools of Chennai Corporation have been fixed in regular/spl.time scale of from the date of regularization as follows:

Sl.No .	Name of the Post	Existing special time scale of pay (As per G.O.No.96, Maws dept, dt.14.09.2006)	Pre-revised scale of pay (prior to 01.01.2006)
1	Teacher	1300-20-1500-25-2000	3050-75-3950-80-4590
2	Office Assistant	700-15-850-25-1225	2550-55-2660-60-3200
3	Ayah (spl time scale of pay)	600-10-700-20-1100	660-15+810-20-4010 (spl.Time scale of pay)

4.Further, these employees were also entitled revised pay structure along with Grade pay as per the VIth Pay commission G.O.Ms.No.234, finance (pay cell) Department Dt.01.06.2009, as follows:

Sl.No .	Name of the Post	Pre-revised scale of pay(as per G.O.No.246, dt.10.06.2009	VIth Pay commission G.O.Ms.No.234, dt.01.06.2009 (VIth Pc)
1	Teacher	3050-75-3950-80-4590	Rs.5200-20200+1900GP
2	Office Assistant	2550-55-2660-60-3200	Rs.4800-10000+1300GP
3	Ayah (spl time scale of pay)	660-15+810-20-4010	Rs.1300-3000+300 GP(spl time scale of pay)

5.Again, the pay has been revised as per the VIIth Pay commission G.O.Ms.No.303, finance (pay cell) Department Dt.11.10.2017, as follows:

Sl.No .	Name of the Post	VIth pay commission G.O.Ms.No.234, dt.01.06.2009	VIth Pay commission G.O.Ms.No.303, dt.11.10.2017
1	Teacher	Rs.5200-20200+1900 GP	Schedule-III (pay matrix) S.No.5, 18500-56900
2	Office Assistant	Rs.4800-10000+1300GP	Schedule-III (pay matrix) S.No.5.1, 15700-50000
3	Ayah (spl time scale of pay)	R.1300-3000+300 GP	Schedule-IV (pay matrix) (special time Scale of pay) S.No.2, 4100-12500

6.Pursuant to the orders of this Court as well as the Government orders, the Commissioner, Chennai Corporation issued proceedings dated 03.07.2018, fixing the scale of pay to the Ayahs serving in the kindergarten Schools and the order of the Commissioner also reads as under:-

(*Refer Annexure)

7.In view of the fact that the scale of pay as applicable to the writ petitioner as well as the similarly placed Ayahs working in kindergarten Schools of Chennai Corporation had already been decided, this Court is of an opinion that the relief as such sought for to direct the respondents to consider the representation does not arise at all.

8.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

kak

To

1.The Commissioner
Education Department
Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.

2.The Joint Commissioner
Education Department,
Chennai Corporation,
Ripon Buildings,
Chennai - 600 003

3.The Secretary to Government
Municipal, Admn., & Water Supplies Department
Fort St.George
Chennai - 600 009.

+1cc to Mr.T.K.Ashokkumar, Advocate SR.No.16372

+1cc to Mr.R.Arunmozhi, Advocate SR.No.17229

+1cc to Government Pleader SR.No.16658

W.P.No.3799 of 2018

LN(CO)
GMY(23/03/2019)