

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-03-2019

CORAM

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

W.P.Nos.21531 and 21532 of 2018

G.Selvaraj
R.Sampath

..Petitioner in WP 21531/2018
..Petitioner in WP 21532/2018

vs

The Principal Secretary,
School Education Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009. ... R-1 in both WPs

The Director of School Education,
College Road,
Chennai - 600 006. ... R-2 in both WPs

The Joint Director of School Education (Vocational),
College Road,
Chennai - 600 006. ... R-3 in both WPs

The Principal Accountant General (A&E)
Tamil Nadu
No.361, Anna Salai
Chennai - 600 018. ... R-4 in both WPs

The Headmaster,
Government Boys Higher Secondary School,
Ussur,
Vellore District. ... R-5 in WP 21531/2018

The Headmaster,
Government Boys Higher Secondary School,
Tirupattur,
Vellore District. ... R-5 in WP 21532/2018

WP No.21531 of 2018 is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the fourth respondent dated 18.2.2016 in

No.P10/3/11017327/ADK and consequential orders passed by the fifth respondent in Na.Ka.No.75/F6/2016 dated 27.5.2016, quash the same and issue a direction, directing the respondents to continue to pay the Grade Pay as Rs.5,400/- with notional effect from 1.1.2006 and monetary effect from 1.1.2011 to the petitioner.

WP No.21532 of 2018 is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the fourth respondent dated 26.12.2016 in No.P10/3/11018617/ADK, quash the same and issue a direction, directing the respondents to continue to pay the Grade Pay as Rs.5,400/- with notional effect from 1.1.2006 and monetary effect from 1.1.2011 to the petitioner.

For Petitioner in both WPs :Mr.R.Saravanakumar
For Respondents 1to3&5 :Mr.A.Rajaperumal
in both Wps Additional Government Pleader.

C O M M O N O R D E R

The relief sought for in both the writ petitions is for a direction to direct the Respondents to fix and pay the Grade pay as Rs.5400/- with notional effect from 01.01.2006 and monetary effect from 01.01.2011 to the petitioners based on G.O.Ms.No.23 dated 12.01.2011, G.O.Ms.No.263 dated 22.07.2013 and the letter of the Government(Finance Department) dated 08.11.2010.

2. Both the learned counsel for the writ petitioners as well as the learned Additional Government Pleader appearing on behalf of the respondents 1 to 3, brought to the notice of this Court that the Government considered the issues raised in the present writ petition and passed an order in G.O.Ms.No.306, Finance(CMPC)Department dated 12.09.2018. Accordingly, the following orders are passed:-

"6. In the judgment order eighth read above, orders were passed by the Hon'ble Madurai Bench of Madras High Court dated 19.03.2018 to allow the Selection Grade scale of pay of Vocational Instructors at Rs.15600-39100 + G.P.Rs.5400 notionally with effect from 01.01.2006 with monetary benefit from 01.04.2013.

7. As there are no promotional avenues for the post of Vocational Instructors, it would not be appropriate to restrict their Selection Grade/Special Grade scales of pay as that of BT Assistant who are

having promotional prospects of elevating to the post of Head Master High School / Head Master Higher Secondary School / District Educational Officer. In the light of the above facts, the Government has decided to implement the orders of the Madurai Bench of Madras High Court dated 19.03.2018 in W.P.(MD).Nos.2654, 2924 & 2663 of 2018 and 15980 & 17197 of 2014. Accordingly, the Government direct that the Selection Grade Scale of Pay of Vocational Instructors who were awarded Selection Grade prior to 01.01.2006 and in the case of employees who have exercised their option to come over to the revised scales of pay on the date of their award of Selection Grade between 01.01.2006 and 31.05.2009 shall be refixed in the scale of pay at Rs.15600-39100 + G.P.5400 notionally with effect from 01.01.2006 or the date of award of Selection Grade in the post of Vocational Instructor with monetary benefits from 01.04.2013.

8. The above orders shall be applicable to all the Vocational Instructors who were awarded Selection Grade prior to 01.01.2006 and those awarded Selection Grade between 01.01.2006 and 31.05.2009 and opted for the revised scales of pay on that date irrespective of the facts as to whether they filed separate Writ Petitions or not.

9. The arrears of pay and allowances shall be drawn and paid to the individuals with effect from 01.04.2013 as per the orders in force."

3. In view of the fact that the grievances of the writ petitioners are redressed, this Court is of an opinion that no further consideration is required in respect of the grounds raised in the present writ petitions and if at all, any other grievances exists, it is for the writ petitioners to submit representations to the competent authority for the redressal of their grievances.

4. Accordingly, the writ petitions stand disposed of. However, there shall be no order as to costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

- 1.The Principal Secretary,
School Education Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
- 2.The Director of School Education,
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Chennai - 600 006.
- 3.The Joint Director of School Education (Vocational),
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- 4.The Principal Accountant General (A&E),
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SKV(CO)
SP(25/04/2019)