

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.31187 of 2014

- 1 K.Umadevi
D/o.M.Kadakkarai,
Vocational Instructor(Agriculture)
K.R.Saratha Govt. Hr. Sec.School,
Nalattinputhur Post, Kovilpatti Taluk,
Thoothukudi District.
- 2 A.Umamaheswari
D/o.O.Alagarsamy,
Vocational Instructor (Agriculture),
Govt. Hr. Sec. School, Pudur,
Thoothukudi District.
- 3 K.Balamurugan
S/o.K.Karupaiah Thevar,
Vocational Instructor (Agriculture),
Govt. Hr. Sec. School,
Vanarmutti-628 721, Kovilpatti Taluk,
Thoothukudi District.
- 4 V.Jesudoss Charles
S/o.A.D.Vincent Vocational Instructor
(Agriculture) Govt. Hr. Sec. School
Savalaperi Post-628 303 Naraikinaru via
Thoothukudi District
- 5 M.Samuel Raj
S/o.A.Hariram
Vocational Instructor (Agriculture),
Govt. Hr. Sec. School,
Near IOB Vallanadu Branch,
Vallanadu-628 252, Srivaikuntam Taluk,
Thoothukudi District
- 6 R.Anandan
S/o.M.Ramasamy,
Vocational Instructor (Agriculture),
Govt. Hr. Sec. School, Devala Gudalur Taluk,
The Nilgiris District.

- 7 S.Meera Shekar
D/o.M.Subban,
Govt. Hr. Sec. School, Gudalur Post-643 211,
The Nilgiris District
- 8 C.Muniyandi
S/o.A.Chinnan,
Vocational Instructor (Agriculture),
Govt. Hr. Sec. School, Eriyur Post,
Tiruppathur Taluk, Sivagangai District.
- 9 M.Manimahalai
D/o.A.C.Mayilchomi,
Vocational Instructor (Agriculture),
Govt. Hr. Sec. School,
Maravamangalam-630 554,
Sivagangai District
- 10 VR.Malarvizhi
D/o.C.Veerappan,
Vocational Instructor (Agriculture),
Govt. Hr. Sec. School, A.Muraiyure,
Thirupathur Taluk, Sivagangai District.
- 11 K.Seenirajan
S/o.S.Krishnaswamy,
Vocational Instructor (Agriculture),
Govt. Hr. Sec. School, Anumanthakudi,
Devakottai Taluk-630 303,
Sivagangai District
- 12 V.C.Indhumathy
D/o.Chinnasamy Gounder,
Vocational Instructor (Agriculture),
Govt. Hr. Sec. School, Karappattu Village & Post
Uthangarai Taluk, Krishnagiri District.
- 13 P.Ramesh
S/o.Periyakaruppan,
Vocational Instructor (Agriculture),
Muthamizh Govt. Hr. Sec. School,
Arasampatti-635 201, Pochampalli Taluk,
Krishnagiri District.
- 14 P.Raja Kumari
D/o.Pooviya Gounder,
Vocational Instructor (Agriculture),
G.B.H.S. School Harur-636 903,
Dharmapuri District.

- 15 A.Ramasamy
S/o.P.Arumugam,
Vocational Instructor (Agriculture),
Govt. Hr. Sec. School,
Allinagaram-625 531, Theni District.
- 16 P.Mahendran
S/o.Paluchamy,
Vocational Instructor (Agriculture),
Govt. Hr. Sec. School, Veerapandi-625 534,
Theni District.
- 17 N.Selvaraj
S/o.Narayanasamy,
Vocational Instructor (Agriculture),
Govt. Hr. Sec. School,
Sillamarathupatti-625 528,
Bodi Taluk, Theni District.
- 18 T.Balakrishnan
S/o.Thavasithevar,
Vocational Instructor (Agriculture),
Govt. Hr. Sec. School,
Kamayakavandanpatti-625521,
Theni District.
- 19 P.Balasubramanian
S/o.Pichai,
Vocational Instructor (Agriculture),
Govt. Hr. Sec. School,
Kuruvikkarambai Peravurani Taluk-614 802
Tanjavur District.
- 20 M.Baskaran
S/o.M.Murugaiyan,
Vocational Instructor (Agriculture),
Govt. Hr. Sec. School, Ullikottai,
Mannargudi Taluk, Thiruvarur District.

... Petitioner

Vs.

- 1 The Government of Tamil Nadu
Rep. by its Principal Secretary School
Education Department Fort St. George
Chennai-9.
- 2 The Director of School,
Education College Road Chennai-6. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records which culminated in issuing the order in Letter No. 12692/C.C.1(3)/2014-2 dt 19.9.2014 on the file of the 1st respondent quash the same and consequently direct the respondents to extend the benefit of G.O. (1D) No.327 Education Department dt 18.11.2013 in favour of the petitioners fix their scale of pay at Rs.2000-3500 or the corresponding pay of Rs.6500-11000 as per the subsequent VI Pay Commission from the date of regularisation of their service in the cadre of Vocational Instructor (Agriculture) with all consequential service and monetary benefits.

For Petitioner : M/s.P.Ganesan, C.Vediappan
For Respondents : Mr.K.Karthikeyan, G.A.

O R D E R

Both the counsel appearing for the parties represented that issue involved in this writ petition covered by the order passed by this Court, dated 26.2.2019 in W.P.No.33959 of 2014. The relevant portion of the order is reproduced as follows:

'3. The issue involved in this Writ Petition is no longer res integra. Initially, similarly placed persons have approached Madurai Bench of this Court by filing a Writ Petition in W.P.(MD) No.5766 of 2008 and this Court, by an order dated 05.03.2012, allowed the Writ Petition. Against which, the Government preferred an appeal in W.A. (MD) No.1344 of 2013 and this Court, by an order dated 14.08.2014 dismissed the Writ Appeal. Thereafter, the State preferred SLP.C.No.235 of 2015 before the Hon'ble Apex Court and the Hon'ble Apex Court, dismissed the Special Leave Petition on 07.09.2015. Further, by referring the above said fact, this Court, by an order dated 14.09.2017 in W.P.Nos.9675 & 9676 of 2015, allowed the similar Writ Petitions. The relevant paragraphs would run thus:-

"5.The similar issue was already adjudicated by this Court in the case of G.Vasimalai -Vs- State of Tamil Nadu in W.P (M.D) No.5766 of 2008. The learned Single Judge passed an order on 05.03.2012 is extracted here under:

'The issue involved in this case is as to whether the petitioner is entitled

to get the salary in accordance with G.O.Ms.No.840 Finance (Pay) Commission dated 31.7.1990 when he is holding B.Sc (Agri) degree. The learned Judge has categorically found in the above referred order that when the petitioner is also doing the same work as that of the other Vocational Instructors, there is no justification to deny the scale of pay applicable to Vocational Instructors. The learned Judge has also categorically found that there cannot be two sets of Vocational Instructors drawing the different scale of pay and doing the similar work. The learned Judge has granted relief in the said Writ Petition to fix the scale of pay as Rs.2000-3500. Accordingly, in this case also the petitioner is entitled to relief of re-fixation of the scale of pay in terms of G.O.Ms.No.840 (Finance (Pay Commission) dated 31.7.1990. Therefore, the reasons assigned in the impugned order are not justifiable and the same is unsustainable in view of the findings given by this Court in other Writ Petition in W.P.No.32121 of 2006 dated 5.1.2010. Accordingly, the impugned order is set aside and the Writ Petition is allowed and the respondent is directed to re-fix the scale of pay of the petitioner in terms of G.O.Ms.No.840 (Finance (Pay Commission) dated 31.7.1990 from the date of regularization namely, 16.10.1992 and pass orders and to pay monetary benefits within a period of eight weeks from the date of receipt of copy of this order. No costs.'

- 2.The order passed by this Court, dated 5.3.2012 in W.P.(MD) No.5766 of 2008, attained finality before the Hon'ble Supreme Court in the SLP preferred by the State in SLP No.235 of 2015 by dismissal of the SLP. Subsequent to the dismissal of the aforesaid SLP before the Hon'ble Supreme Court, this Court allowed the W.P.No.9675 and 9676 of 2015. The issue involved in the present writ petition is also covered by the aforesaid judgment.

3. In the light of the judgment cited supra, the writ petition is disposed of with liberty to the petitioner to make fresh representation to the fourth respondent and the same shall be considered by the fourth respondent as expeditiously as possible. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
State of Tamil Nadu, Finance Department,
Fort St., George, Chennai 600009.
 2. The Secretary to Government,
State of Tamil Nadu, School Education Department,
Fort St. George, Chennai 600 009.
 - 3 The Director of School Education,
DPI Compound, College Road, Chennai 600 006.
 - 4 The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road, Chennai 600 006.
- +1 CC to Govt. Pleader sr 33394.

W.P.No.31187 of 2014

VGII(CO)
SP(27/05/2019)

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