



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.(MD)No.335 of 2016

and

W.M.P.(MD)Nos.272, 9789 & 12139 273,274 of 2016

WEB COPY

P.Christopher Rajendran Paul

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Finance (CMPC) Department,
Fort St. George,
Chennai - 600 009.

2.The Director of School Education,
College Road,
Chennai - 06.

3.The Joint Director (Vocational) of School Education,
College Road,
Chennai - 06.

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

5.The Correspondent,
All Ameen Higher Secondary School,
K.Pudur,
Madurai District - 625 007.

.. Respondents

Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Letter No.66858/CMPC/2013-2, dated 22.08.2014, on the file of the first respondent, quash the same as illegal and consequently, direct the respondents to provide the Selection Grade Scale of Pay of Rs.15600-39100+5400 to the petitioner, within the time stipulated by this Court.

For Petitioner: Mr.Ashwin Rajasimman
for Mr.T.Lajapathi Roy

For R1 to R4 : Mrs.S.Srimathy
<https://hcservices.ecourts.gov.in/hcservices/> Special Government Pleader

**ORDER**

This Writ Petition has been filed seeking to quash the impugned order in Letter No.66858/CMPC/2013-2, dated 22.08.2014, on the file of the first respondent and consequently, direct the respondents to provide the Selection Grade Scale of Pay of Rs.15600-39100+5400 to the petitioner, within the time stipulated by this Court.

2. According to the petitioner, he was appointed and regularized as Vocational Instructor on 16.10.1992 at the fifth respondent School. The Vocational Instructors were treated on par with B.T. Assistants and the pay scale was fixed as Rs.15600-39100+5400. The petitioner was receiving the said pay scale after 01.01.2006 onwards. Pursuant to the report submitted by the One Man Commission, the Vocational Instructors were placed on par with B.T. Assistants with ordinary Grade Pay of Rs.4600/-. Since the petitioner had completed more than 10 years of service, he was eligible for selection grade. Further, the second respondent, vide his proceedings dated 12.04.2010, stated that the Vocational Instructors were not entitled for inclusion in the panel for promotion to the post of Head Masters of the High Schools. The Vocational Instructors are not having any promotional avenues. The first respondent has passed the impugned order dated 22.08.2014 stating that the Selection Grade pay scale with Grade Pay for B.T. Assistant is restricted to Rs.9300-34800 + Grade Pay of Rs.4800/-, which is illegal and without jurisdiction.

3. The learned counsel appearing for the petitioner submitted that the very same issue was already decided by this Court in W.P. (MD) Nos.2654 of 2018 etc. batch and this Court, by order dated 19.03.2018, partly allowed the Writ Petitions holding that selection grade Vocational Instructors are entitled to be paid selection grade scale of pay of Rs.15600-39100+GP 5400 admissible with monetary benefits from 01.04.2013. Pursuant to the said order, the Government have issued G.O.Ms.No.306, Finance (CMPC) Department, dated 12.09.2018, by implementing the above said order and granted relief to all the Vocational Instructors and the said order is applicable to the facts of the present case and therefore, the learned counsel appearing for the petitioner prays to allow the present Writ Petition.

4. The learned Special Government Pleader appearing for the respondents 1 to 4 submitted that if the petitioner makes a representation to the fourth respondent, the same will be considered in the light of the above said orders.

5. Recording the above submission made by the learned Special Government Pleader, the petitioner is directed to give a representation to the four respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the fourth respondent is directed to consider the same and pass appropriate orders in the light of the decision of



this Court, dated 19.03.2018, made in W.P.(MD)No.2654 of 2018 etc. batch and G.O.Ms.No.306, Finance (CMPC) Department, dated 12.09.2018, within a period of eight weeks thereafter.

6. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Secretary,
Finance (CMPC) Department,
Fort St. George,
Chennai - 600 009.

2.The Director of School Education,
College Road,
Chennai - 06.

3.The Joint Director (Vocational) of School Education,
College Road,
Chennai - 06.

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

+1 CC to Mr.T.LAJAPATHI ROY, Advocate SR-69680.

+1 CC to SPL GP SR-69748.

W.P. (MD) No.335 of 2016

18.06.2019

CS: (05/07/2019) 3P 7C