



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)Nos.9680 & 9681 of 2015

and

M.P(MD)Nos.2,2,3,3 of 2015

W.P. (MD)No.9680 of 2015

R.Banumathi ... Petitioner in WP(MD)No.9680/2015
R.Subburaj ... Petitioner in WP(MD)No.9681/2015

Vs

- 1.The State of Tamil nadu
Represented by its Principal Secretary to Government,
Finance Department,
Fort St. George, Chennai-600 009.
- 2.The State of Tamil Nadu,
Represented by Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai-600 009.
- 3.The Director of School Education,
DPI Complex, College Road,
Chennai-600 006.
- 4.The Joint Director of School Education (Vocational),
O/o.The Director of School Education,
DPI Complex, College Road,
Chennai-600 006.
- 5.The Chief Educational Officer,
O/o.Chief Educational officer,
Madurai District,
Madurai.
- 6.The District Educational officer,
Usilampatti,
Madurai District.
- 7.The Head Master,
Government Boys Higher Secondary School,
Thirumangalam Post-625 706,
Madurai District.

... Respondents



COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned Letter issued by the first respondent in Letter No.66858/CMPC/2013-2 dated 22.08.2014 and the consequential recovery order issued by the 7th Respondent in Na.Ka.No.64/2015 dated 10.06.2015 and quash the same and consequently forbearing the respondents from reducing the existing Scale of Pay with allowances granted to the petitioner.

For Petitioners : Mr.M.Saravanakumar
For Respondents : Mrs.S.Srimathy,
Special Government Pleader

COMMON ORDER

The impugned orders of recovery in respect of erroneous fixation of scale of pay of the writ petitioners are under challenge in these writ petitions.

2.The writ petitioners state that he is working as Vocational instructors in the Government Boys Higher Secondary School. The scale of pay was fixed as per the Government Order in force. However, on account of audit objections raised, the impugned orders of recovery have been issued.

3. The learned counsel appearing on behalf of the writ petitioners state that in respect of the similar audit objections with reference to the cadres of the Vocational Instructor, the Court has considered the issues and passed an order on 19.03.2018 and accordingly, the Government also implemented the orders and issued Government Order in G.O.Ms.No.306, Finance (CMPC) Department, dated 12.09.2018. The Government Order in G.O.Ms.No.306, Finance (CMPC) Department is reads as follows:-

"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 benefits 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 scale 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 fact as to whether they filed separate Writ Petitions or not."

4. In view of the fact that the Government also passed an order in G.O.Ms.No.306 Finance (CMPC) Department, the case of the writ petitioners is also to be considered along with other similarly placed persons with reference to the Government Order issued in G.O.Ms.No.306 Finance (CMPC) Department, dated 12.09.2008.

5. In this view of the matter, the impugned orders passed by the first respondent in letter dated 22.8.2014 and the consequential recovery order issued by the 7th respondent in proceedings in Na.Ka.No.64 of 2015, dated 10.06.2015 are quashed. The respondents are directed to reconsider the case of the writ petitioners with reference to G.O.Ms.No.306 Finance (CMPC) Department, dated 12.09.2008 and fixed the scale of pay as well as the Grade Pay as applicable to the writ petitioners with reference to the relevant Government Order as expeditiously as possible.

6. Accordingly, these writ petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

The Principal Secretary to Government,
Finance Department,
Fort St. George, Chennai-600 009.



2.The Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai-600 009.

3.The Director of School Education,
DPI Complex, College Road,
Chennai-600 006.

4.The Joint Director of School Education (Vocational),
DPI Complex, College Road,
Chennai-600 006.

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

6.The District Educational officer,
Usilampatti,
Madurai District.

7.The Head Master,
Government Boys Higher Secondary School,
Thirumangalam Post-625 706,
Madurai District.

+2 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-75377[F] dated
16/07/2019)

+1 CC to M/s.SPL GP (SR-75458[F] dated 16/07/2019)

AM

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