



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.25484 of 2019

WEB COPY

1.S.Rajalingam
2.B.Brabakaran
3.R.Manikandan

... Petitioners

-Vs-

1.The Principal Secretary to the Government,
Finance Department,
Fort St. George,
Chennai-9.

2.The Principal Secretary to the Government,
School Education Department,
Fort St. George,
Chennai-9.

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.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondent No.2 to re-fix the scale of pay of the petitioners at Rs.2000-3500 on par with the scale of pay sanctioned to similarly placed vocational instructors by extending the benefit of Government Order in G.O.(1D).No.327, School Education Department dated 18.11.2013 along with consequential monetary benefits to the petitioners for the service rendered in the post of Vocational Instructor within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapthi Roy
For Respondents : Mr.A.Thiyagarajan
Government Advocate



ORDER

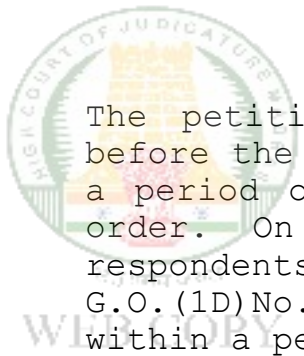
The Writ Petition is filed for a direction to the second respondent to re-fix the scale of pay of the petitioners at Rs.2000-3500 on par with the scale of pay sanctioned to similarly placed vocational instructors by extending the benefit of Government Order in G.O.(1D).No.327, School Education Department dated 18.11.2013 along with consequential monetary benefits to the petitioners for the service rendered in the post of Vocational Instructor within the time period stipulated by this Court.

2. Mr.A.Thiyagarajan, learned Government Advocate, takes notice on behalf of the respondents. By consent of both parties, these Writ Petitions are taken up for final disposal at the stage of admission itself.

3. According to the petitioners, they worked as Vocational Teachers in Government Higher Secondary School and retired from service on various dates. All of them have completed degree courses. Their pay has been fixed in the scale of pay at Rs.1400-2600/- under 5th Pay Commission. The similarly placed persons had been granted higher pay scale of Rs.2000-3500/- and therefore, the petitioners are entitled for revision of pay on par with similarly placed persons. One G.Narayanasamy has filed O.A.No.1755 of 1998 before the Tamil Nadu Administrative Tribunal and the same was transferred to the Principal Seat of this Court and renumbered as W.P.No.32121 of 2006. The Principal Seat of this Court, by the order dated 05.01.2010, allowed the said Writ Petition and granted pay scale of Rs.2000-3500/-. Against which, the Department has filed W.A.No.1814 of 2011 before the Division Bench of the Principal Seat of this Court and the same was dismissed, against which, S.L.P., was filed before the Hon'ble Apex Court and the said S.L.P., has also been dismissed. Thereafter, the second respondent has issued G.O. (1D)No.327, Education Department, dated 18.11.2013, granting benefits of higher pay fixation to the said G.Narayanasamy. The petitioners are also the similarly placed persons, like the said G.Narayanasamy and therefore, they are entitled to the very same benefits and relied on the judgment of this Court, dated 14.08.2014, made in W.A.(MD)No.1344 of 2013, in support of their claim.

4.The learned Government Advocate appearing for the respondents submitted that the petitioners' representations will be considered, in the light of the earlier orders passed by this Court, within a time frame.

5.Considering the above said submissions made by the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents and considering the fact that the petitioners are the degree holders, they are all entitled for higher scale of pay, in the light of the judgment of the Division Bench of this Court, dated 14.08.2014, made in W.A.No.1344 of 2013.



The petitioners are directed to produce the degree certificates before the respondents, along with necessary representations, within a period of one week from the date of receipt of a copy of this order. On such receipt of the certificates and representations, the respondents are directed to consider and pass orders, in terms of G.O.(1D)No.327, School Education Department, dated 18.11.2013, within a period of three months thereafter.

6.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Principal Secretary to the Government,
Finance Department,
Fort St. George, Chennai-9.

2.The Principal Secretary to the Government,
School Education Department,
Fort St. George, Chennai-9.

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 M/s.T.LAJAPATHI ROY, Advocate (SR-103093[F] dated 03/12/2019)

+1 CC to M/s.GP (SR-103005[F] dated 02/12/2019)

W.P. (MD) No.25484 of 2019
29.11.2019

avg(CO)

TR(30.12.2019) 3P 7C