

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 16.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.18182 of 2015

- 1.M.Varathan
- 2.G.N.Santhi
3. M.Subramanian
4. P.S.Murugesan

.. Petitioners

- Vs -

1. The State of Tamil Nadu
Rep. by Principal Secretary to Government
Finance Department
Fort St. George, Chennai 600 009.
2. The State of Tamil Nadu,
Rep.by Secretary to Government
Department of Education,
Fort St. George, Chennai 600 009.
3. The Director of School Education
DPI Complex,
College Road, Chennai 600 006.
4. The Joint Director School Education (Vocational)
Office of Director of School Education,
DPI Complex, College Road,
Chennai - 600 006.
5. The Chief Educational Officer
Collectorate, Salem District,
Salem.
6. The Headmaster,
Government Boys Higher Secondary School,
Pethanaickan Palayam,
Salem District - 636 109.

.. Respondents

This Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Certiorarified Mandamus calling for the records of the 1st respondent in Letter.No.66858/CMPC/2013-2 dated 22.08.2014 and quash the same and consequently direct the third respondent to issue directions to the respondents 4 to 6 to give pay protection to the Petitioners by fixing the grade

pay at Rs.5400 without resorting to any recovery based on the letter of the first respondent dated 22.08.2014.

For Petitioners : M/s.C.Uma
For R1 : Mr. S.Thangavel, Spl. GP
For R2 to R6 : Mr. C.Munusamy, Spl.GP

ORDER

The petitioners have come up with this Writ Petition seeking to quash the impugned order dated 22.08.2014 passed by the first respondent and to the third respondent to issue directions to the respondents 4 to 6 to give pay protection to the Petitioners by fixing the grade pay at Rs.5400 without resorting to any recovery based on the letter of the first respondent dated 22.08.2014.

2. Today, when the matter is taken up for consideration, learned counsel appearing on either side brought to the notice of this Court that the issue raised in the present case is covered by the order passed by the learned single Judge of this Court in the case of V.Krishnan - Vs - The Government of T.N. & Ors. (W.P. No.2950/2014, etc. - Dated 3.2.2020) and, therefore, pray that similar order may be passed in the present petition as well.

3. This Court heard the learned counsel on either side and perused the materials available on record as also the decision relied on.

4. G.O. Ms No.263, Finance (Pay Cell) Department fell for consideration before this Court in V.Krishnan's case (supra) relating to the date from which the monetary benefits ought to be given. The said Government Order has given the monetary benefits with effect from 1.4.13, while it is the case of the petitioner therein that the monetary benefit ought to have been given from 1.1.2011. Learned single Judge of this Court, after hearing either side and also analysing the various Government Orders in issue on the subject, held as under :-

"6. The Petitioners have challenged the impugned GO.Ms.No.263, dated 22.7.2013 before the Madurai Bench of this Court, in WP (MD) Nos.2654, 2924, 2663 of 2018 and 15980, 17197 of 2014, wherein, by order dated, 19.03.2018, directions were issued to allow the Selection Grade Scale of Pay of Vocational Instructors, with monetary benefits with effect from 01.04.2013, revising the GO.Ms.No.263, dated 22.07.2013. Following the said order dated, 19.03.2018, the Government had issued GO.Ms.No.306, Finance (CMRC) department, dated 12.09.2018, directing to pay the arrears of pay and allowances to the

individuals with effect from 01.04.2013.

7. The relevant portion of GO.Ms.No.306, Finance (CMRC) department, dated 12.09.2018 reads as under:-

"8. The above orders shall be applicable to all the Vocational 8. 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.

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."

8. It is seen from the GO.Ms.No.306, Finance (CMRC) department, dated 12.09.2018 that the grievance of the Petitioners has been met out positively by the Respondent. Therefore, impugned GO.Ms.No.263 Finance (Pay Cell) Department, dated 22.7.2013 and the consequential recovery proceedings cannot be given effect to. In such view of the matter, no further adjudication is required in all these Writ Petitions. The submissions of the learned Government Advocate for the State and the GO.Ms.No.306, Finance (CMRC) department, dated 12.09.2018 are recorded.

9. With the above observations, these Writ Petitions are disposed of. No costs. Consequently, the connected MPs are closed."

5. The petitioners in the present case are identically placed as the petitioners in the above writ petition. Therefore, the order passed above stands squarely attracted to the case of the petitioners herein. In such view of the matter, this Court is of the considered opinion that this writ petition ought to be disposed of in terms of the order passed in V.Krishnan's case (supra).

6. Accordingly, this writ petition is disposed of in the light of the order passed in V.Krishnan's case (supra) and, accordingly, it is made clear that G.O. Ms. No.263, Finance (Pay Cell) Department dated 22.7.13 and the consequential recovery proceedings cannot be given effect to. There shall be no order as to costs.

Sd/-

Assistant Registrar(co)

//True Copy//

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Sub Assistant Registrar

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To

1. The Principal Secretary,
The State of Tamil Nadu
Finance Department
Fort St. George, Chennai 600 009.
2. The Secretary,
The State of Tamil Nadu,
Department of Education,
Fort St. George, Chennai 600 009.
3. The Director of School Education
DPI Complex,
College Road, Chennai 600 006.
4. The Joint Director School Education (Vocational)
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5. The Chief Educational Officer
Collectorate, Salem District,
Salem.
6. The Headmaster,
Government Boys Higher Secondary School,
Pethanaickan Palayam,
Salem District - 636 109.

+1 cc to Government Pleader Sr.No. 41704

W.P. No.18182 of 2015

A.SK(20.01.2021)

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