

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.10783 and 10784 of 2014

In W.P.No.10783 of 2014

1. R.Ramamoorthy
2. M.Kandasamy
3. C.Amsavel
4. A.Maduraimuthu
5. C.Subramaniam
6. S.Subburaman
7. R.Thamizharasi

.... Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by Secretary to Government,
Department of Finance, 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. Director of School Education,
DPI Complex, College Road,
Chennai 600 006.
4. Joint Director of School Education (Vocational),
Office of Director of School Education,
DPI Complex, College Road,
Chennai 600 006.
5. The Chief Educational Officer,
Chief Educational Office, Salem,
Salem District 621 704.
6. The Headmaster,
Government Boys Higher Secondary School,
Attur Taluk, Salem District 636 102.
7. The Headmaster,
Government Boys Higher Secondary School,
Mugudanchavadi Post, Salem 637 103.

8. The Headmaster,
Government Girls Higher Secondary School,
Attur Taluk, Salem istrict 636 102.

9. The Headmaster,
Government Higher Secondary School,
Yethapur Post, Attur Taluk,
Salem District 636 117.

.... Respondents

In W.P.No.10784 of 2014

1. R.Sadasivam
2. P.Udayakumar
3. K.Subramanian

... petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by Secretary to Government,
Department of Finance, 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 Principal Accountant General (A & E),
Audit Section, No.361, Anna Salai,
Teynampet, Chennai 600 018.

4. Director of School Education,
DPI Complex, College Road,
Chennai 600 006.

5. Joint Director of School Education (Vocational),
Office of Director of School Education,
DPI Complex, College Road,
Chennai 600 006.

... Respondents

Prayer in W.P.No.10783 of 2017: This Writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other writ or direction directing the first respondent to declare that the petitioners as vocational instructors have no promotional avenues and hence are entitled to grade pay of Rs.5400 and consequently forbear the respondents from reducing the grade pay of the petitioners to Rs.4800 from Rs. 5400.

Prayer in W.P.No.10784 of 2017: This Writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Declaration or any other writ order or

direction declaring the reduction of the grade pay of the petitioners from 5400 to 4800 by the Principle Accountant General is arbitrary and consequently direct the respondents to calculate and pay pension to the petitioners on the basis of Grade Pay of Rs.5400 from the date of retirement.

W.P.No.10783 of 2014

For Petitioners : Ms.C.Uma
For Respondents : Mrs.P.Kavitha, Gov. Advocate
for R1 to R9.

W.P.No.10784 of 2014

For Petitioners : Ms.C.Uma
For Respondents : Mrs.P.Kavitha, Gov. Advocate
for R1, R2 and R4 and R5
Mr.S.Balaji (for R3)

COMMON ORDER

Both the writ petitions have been filed for direction to the authorities concerned to pay Selection Grade Scale of Pay of Rs.5,400/- to the petitioners, since their nature of duties as Vocational Instructors is equivalent to BT Assistants.

2. The learned Government Advocate submitted that in pursuant to the orders passed in W.P.(MD) Nos.2654, 2924, 2663 of 2018 and W.P. (MD) Nos.15980, 17197 to 2014 dated 19.03.2018 by the Madurai Bench of Madras High Court, the Government had issued an order in G.O.Ms.No.306 Finance (CMRC) Department dated 12.09.2018 by revising the Selection Grade Scale of Pay of the Vocational Instructors at Rs.15600-39100 +

G.P. Rs.5400 notionally with effect from 01.01.2006 with monetary benefit from 01.04.2013. Further, the above said G.O. also clarified that 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. The above said G.O. has been placed before this court.

3. Based on the above Government Order, the writ petitioners in both the writ petitions are entitled to get the Selection Grade Scale of pay of Rs.5400/-. It is also submitted that based on the above said G.O., the petitioners in W.P.No.10783 of 2014 were paid the monitory benefits of Selection Grade scale of pay Rs.5400/- by the authorities concerned and to that effect, a letter along with the proceedings and calculation with regard to the the monitory

benefits of Selection Grade Scale of pay of Rs.5400/- also have been placed before this court.

4. Inveiw of the above fact, nothing survives for further adjudication in these writ petitions. Therefore, both the writ petitions in W.P.No.10783 and W.P.No.10784 of 2014 are dismissed as infructuous. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

mst

To

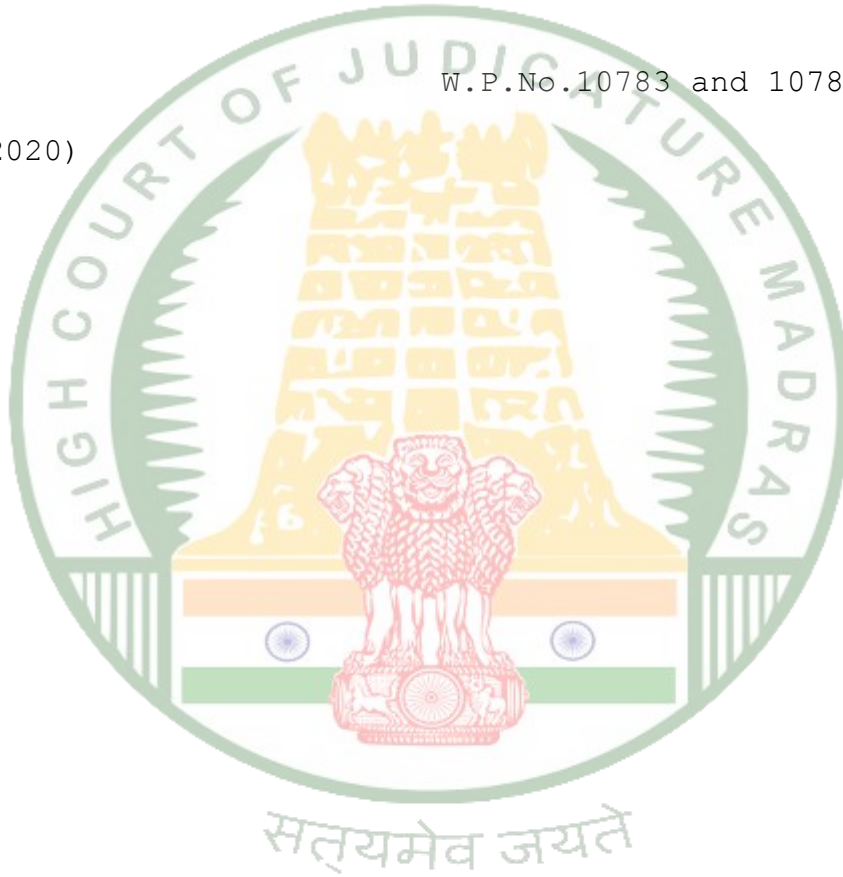
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10. The Principal Accountant General (A & E),
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Teynampet, Chennai 600 018.

+lcc to Mr.C.Uma, Advocate, S.R.No. 4470
+lcc to Mr.S.Balaji, Advocate, S.R.No. 4495
+lcc to the Government Pleader, S.R.No. 5287

W.P.No.10783 and 10784 of 2014

PA(CO)
GN(26/02/2020)



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