

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 16.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. Nos.12043 to 12046 of 2014

K.Samundiyan .. Petitioner in WP.Nos.12043 & 12044 of 2014
P.Sengutuvan .. Petitioner in WP.Nos.12045 & 12046 of 2014

- 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 School Education (Vocational)
Office of Director of School Education,
DPI Complex, College Road,
Chennai - 600 006.
5. The Chief Educational Officer,
Chief Educational Office,
Ariyalur, Ariyalur District - 621 704.
6. The Headmaster,
Government Higher Secondary School
Ponparappi,
Ariyalur District - 621 710. .. Respondents in all WPs

Prayer in WP.Nos.12043 & 12045 of 2014: Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Certiorari calling for the records order of the Head Master 6th respondent herein having Ref.Na.Ka.No..716/2014, dated 17.04.2014 and quash the same as arbitrary and violative of Article 14 in so far as the orders

seek the recover excess salary from the petitioners.

Prayer in WP.No.12044 & 12046 of 2014: Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Declaration declaring G.O.Ms.No.263, Finance (Pay Cell) Department 1st respondent herein dated 22.07.2013 as arbitrary and violative of article 14 of the Constitution of India in so far as it gives monetary benefit for Vocational Instructors in the revised scale of pay w.e.f.01.04.2013 and not w.e.f.01.01.2011 and consequently direct the respondents to give revision of scale of pay for the vocational instructors including the petitioners with notional effect from 01.01.2006 for the purpose of fixation of pay in the revised scale of pay with monetary benefit from 01.01.2011 for grade pay and fix the salary for the petitioners.

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

COMMON ORDER

The Petitioners have come up with these Writ Petitions seeking to quash the impugned order dated 17.04.2014 passed by the sixth respondent and to direct the respondents to grant the revised pay scale to the petitioners with all monetary and consequential benefits.

2. Today, when these matters are taken up for consideration, learned counsel appearing on either side brought to the notice of this Court that the issue raised in the present cases are 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 petitions 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 cases are identically placed as the petitioner in the above writ petitions. 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 these writ petitions ought to be disposed of in terms of the order passed in V.Krishnan's case (supra).

6. Accordingly, these writ petitions are 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

//True Copy//

Sub Assistant Registrar

av

To

1. The Secretary to Government
The State of Tamil Nadu,
Department of Finance,
Fort.St.George, Chennai - 600 009.
2. The Secretary to Government,
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. Joint Director School Education (Vocational)
Office of Director of School Education,
DPI Complex, College Road,
Chennai - 600 006.
5. The Chief Educational Officer,
Chief Educational Office,
Ariyalur, Ariyalur District - 621 704.
6. The Headmaster,
Government Higher Secondary School
Ponparappi,
Ariyalur District - 621 710.

+lcc to the Government Pleader SR.41697

W.P. Nos.12043 to 12046 of 2014

SRA (CO)
CB(02/02/2021)



WEB COPY