

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 16.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. Nos.13562 to 13565 of 2014

A.Kuppusamy .. Petitioner in WP.No.13562 of 2014
K.Kamalam .. Petitioner in WP.No.13563 of 2014
K.C.Balasubramanian .. Petitioner in WP.No.13564 of 2014
P.Ramar .. Petitioner in WP.No.13565 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. .. Respondents 1 to 4 in all W.Ps
5. The Chief Education Officer,
Chief Educational Office,
Ariyalur, Ariyalur District - 621 704.
..5th Respondent in
W.P. No. 13562/2014, 13563/2014 & 13565/2014.
6. The Headmaster,
Government Boys Higher Secondary School,
Senthurai Post,
Ariyalur District - 621 714.
.. 6th Respondent in
W.P. No. 13562/2014 & 13563/2014.

The Chief Educational Officer
Chief Educational Office
Salem, Salem District

..Respondents 5 & 6 in W.P. No. 13564/2014.

The Head Master
Government Boys Higher Secondary School
Belur, Salem District-636 104.

The Headmaster
Government Higher Secondary School
Vilandai- Andimadam
Ariyalur District 621 801 ...6th Respondent in W.P. 13565/2014.

These Writ petitions 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.97/2014, Ref.Na.Ka.No.96/2014, Ref.Na.Ka.No.444A/2013 and Ref.Na.Ka.No.235/2013 respectively dated 11.04.2014, 11.04.2014, 23.01.2014 and 11.04.2014 respectively and quash the same as arbitrary and violative of Article 14 in so far as the orders seek the recover excess salary form 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 Petitioners seeking to quash the impugned orders dated 11.04.2014, 11.04.2014, 23.01.2014 and 11.04.2014 passed by the sixth respondent.

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 petitioners 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 petitioners 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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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,
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Office of Director of School Education,
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Chief Educational Office,
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6. The Headmaster,
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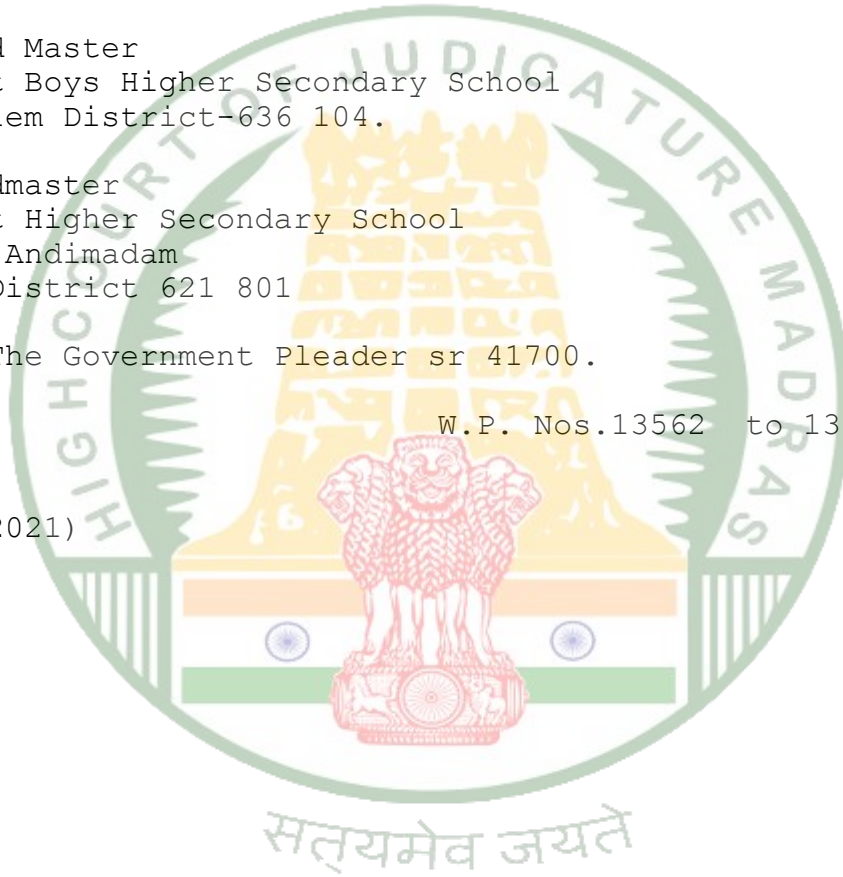
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Ariyalur District 621 801

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W.P. Nos.13562 to 13565 of 2014

NRL (CO)
SP(03/02/2021)



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