

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 16.12.2020

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.25656 of 2014

&

MP.Nos.2 & 3 of 2014

K.Mathiazhagan

.. Petitioner

- Vs -

1. The State of Tamil Nadu,
Rep.by 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. 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,
Nagapattinam, Nagapattinam District.
6. The Headmaster,
N.Kittappa Municipal Higher Secondary School,
Koranad, Myladuthurai,
Nagapattinam District.

.. 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 forbear the third respondent from issuing any direction to the 6th respondent based on the letter of the first

respondent having reference Letter.No.66858/2013-2 dated 22.08.2014 to recover the differential scale of pay, grade pay and allowances paid to the petitioner.

For Petitioner : Mr.C.Uma
For R1 : Mr. S.Thangavel, Spl. GP
For R2 to R6 : Mr. C.Munusamy, Spl.GP

ORDER

The Petitioner has come up with this Writ Petition seeking to quash the impugned order dated 22.08.2014 passed by the first respondent and forbear the third respondent from issuing any direction to the 6th respondent based on the letter of the first respondent having reference Letter.No.66858/2013-2 dated 22.08.2014 to recover the differential scale of pay, grade pay and allowances paid to the petitioner.

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 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 petitioner in the present case is identically placed as the petitioner in the above writ petition. Therefore, the order passed above stands squarely attracted to the case of the petitioner 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. Consequently, connected Miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
The State of Tamil Nadu,
Finance Department,
Fort St.George, Chennai - 600 009.
 2. The Secretary to Government Department of Education,
The State of Tamil Nadu,
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Office of Director of School Education,
DPI Complex, College Road,
Chennai - 600 006.
 5. The Chief Educational Officer,
Chief Educational Office,
Nagapattinam, Nagapattinam District.
- +1 CC to The Government Pleader sr 41702.

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