

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.2950 to 2952, 3955 to 3957, 14506, 33202,
33203 of 2014, 4652 to 4655 of 2015 and 11135 of 2016 and
MP.Nos.2 to 2 and 3 to 3 of 2014 and WMP.No.9672 of 2016

1 V.KRISHNAN ... PETITIONER in WP No.2950 of 2014
1 S.VALARMATHI ... PETITIONER in WP No.2951 of 2014
1 C.ANBUKKARASI ... PETITIONER in WP No.2952 of 2014
1 A.N.SUBRAMANIAN ... PETITIONER in WP No.3955 of 2014
1 T.KALAISELVI ... PETITIONER in WP No.3956 of 2014
1 P.ELANGO ... PETITIONER in WP No.3957 of 2014
1 T.D.DEVARAJ
2 V.AYYADURAI
3 H.RADHAKRISHNAN
4 G.KRISHNAVENI
5 S.V.GURUSAMY
6 R.RAJALAKSHMI ...PETITIONERS in WP No.14506 of 2014
1 G.SELVARAJ ... PETITIONER in WP No.33202 of 2014
1 K.THANGAIAN ... PETITIONER in WP No.33203 of 2014
1 K.RAMAMOORTHY ... PETITIONER in WP No.4652 of 2015
1 K.HARIHARAN ... PETITIONER in WP No.4653 of 2015
1 M.GANESAN ... PETITIONER in WP No.4654 of 2015
1 L.MANI ... PETITIONER in WP No.4655 of 2015

1 K.M.LAKSHMANAN ... PETITIONER in WP No.11135 of 2016

Vs.

1 THE GOVERNMENT OF TAMIL NADU
REP. BY SECRETARY TO GOVERNMENT FINANCE
(PAY CELL) DEPARTMENT FORT ST. GEORGE
CHENNAI-9.

2 THE SECRETARY TO GOVERNMENT
GOVERNMENT OF TAMIL NADU SCHOOL EDUCATION
DEPARTMENT FORT ST. GEORGE CHENNAI-9.

3 THE DIRECTOR OF SCHOOL
EDUCATION COLLEGE ROAD CHENNAI-6.

4 THE CHIEF EDUCATIONAL OFFICER
DHARMAPURI DISTRICT DHARMAPURI.

5 THE HEADMASTER
AVVAIYAR GOVERNMENT GIRLS HIGHER SECONDARY
SCHOOL DHARMAPURI-636 701.

... RESPONDENT in WP No.2950 to 2952 of 2014

1 THE GOVERNMENT OF TAMILNADU
REP BY SECRETARY TO THE GOVERNMENT FINANCE
(PAY CELL) DEPARTMENT FORT ST. GEORGE
CHENNAI 9

2 THE SECRETARY TO THE
GOVERNMENT GOVERNMENT OF TAMILNADU SCHOOL
EDUCATION DEPARTMENT FORT ST. GEORGE
CHENNAI 9

3 THE DIRECTOR OF SCHOOL
EDUCATION COLLEGE ROAD CHENNAI 6

4 THE CHIEF EDUCATIONAL
OFFICER DHARMAPURI DISTRICT DHARMAPURI

5 THE HEADMASTER
THIYAGI SUBRAMANIA SIVA GOVERNMENT BOYS HR.
SEC. SCHOOL PAPPARAPATTI POST PENNAGARAM
TALUK DHARMAPURI DISTRICT

...RESPONDENT in WP No.3955 to 3957 of 2014

- 1 THE GOVERNMENT OF TAMILNADU
REP. BY SECRETARY TO GOVERNMENT FINANCE
(PAY CELL) DEPARTMENT FORT ST. GEORGE
CHENNAI-9.
- 2 THE SECRETARY TO GOVERNMENT
GOVERNMENT OF TAMIL NADU SCHOOL EDUCATION
DEPARTMENT FORT ST. GEORGE CHENNAI-9.
- 3 THE DIRECTOR OF SCHOOL
EDUCATION COLLEGE ROAD CHENNAI-6.
- 4 THE CHIEF EDUCATIONAL OFFICER
ERODE DISTRICT ERODE.
- 5 THE CHIEF EDUCATIONAL OFFICER
THIRUVARUR DISTRICT THIRUVARUR.
- 6 THE CHIEF EDUCATIONAL OFFICER
NAGAPATTINAM DISTRICT NAGAPATTINAM.
- 7 THE CHIEF EDUCATIONAL OFFICER
COIMBATORE DISTRICT COIMBATORE.
- 8 THE HEADMASTER
GOVERNMENT HIGHER SECONDARY SCHOOL
BUNGLOWPUDUR-638 506 GOBICHETTIPALAYAM
TALUK ERODE DISTRICT.
- 9 THE HEADMASTER
GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL
NANNILAM-610 105 THIRUVARUR DISTRICT.
- 10 THE HEADMASTER
GOVERNMENT HIGHER SECONDARY SCHOOL
KULLIKARAI-613 701 THIRUVARUR DISTRICT.
- 11 THE HEADMASTER
GOVERNMENT HIGHER SECONDARY SCHOOL
THIRUMURUGAL-609 702 NAGAPATTINAM DISTRICT.
- 12 THE HEADMASTER
GOVERNMENT HIGHER SECONDARY SCHOOL
ASHOKAPURAM-641 022 NGGO COLONY POST
COIMBATORE DISTRICT. ... RESPONDENT in WP No.14506 of 2014

- 1 GOVERNMENT OF TAMILNADU
REP.BY SECRETARY TO GOVERNMENT FINANCE
(CMPC) DEPARTMENT FORT ST.GEORGE CHENNAI-
600009
- 2 THE SECRETARY
GOVERNMENT OF TAMILNADU SCHOOL EDUCATIONAL
DEPARTMENT FORT ST. GEORGE CHENNAI-600009
- 3 THE DIRECTOR OF SCHOOL
EDUCATION COLLEGE ROAD CHENNAI-600006
- 4 THE JOINT DIRECTOR OF SCHOOL
EDUCATION (VOCATIONAL) COLLEGE ROAD
CHENNAI-600006
- 5 THE CHIEF EDUCATIONAL OFFICER
PUDUKKOTTAI DISTRICT PUDUKKOTTAI
... RESPONDENT in WP No.33202 & 33203 of 2014
- 1 GOVERNMENT OF TAMILNADU
REP. BY PRINCIPAL SECRETARY TO GOVERNMENT
FINANCE (CMPC) DEPARTMENT FORT ST. GEORGE
CHENNAI-9
- 2 THE SECRETARY
GOVERNMENT OF TAMILNADU SCHOOL EDUCATIONAL
DEPARTMENT FORT ST. GEORGE CHENNAI-9
- 3 THE DIRECTOR OF SCHOOL
EDUCATION COLLEGE ROAD CHENNAI-6
- 4 THE JOINT DIRECTOR OF SCHOOL
EDUCATION (VOCATIONAL) COLLEGE ROAD 6
- 5 THE CHIEF EDUCATIONAL OFFICER
PUDUKKOTTAI DISTRICT PUDUKKOTTAI
- 6 THE PRINCIPAL
GOVERNMENT MODEL HIGHER SECONDARY SCHOOL
PUDUKKOTTAI & DISTRICT
... RESPONDENT in WP No.4652 of 2015
- 1 GOVERNMENT OF TAMILNADU
REP. BY PRINCIPAL SECRETARY TO GOVERNMENT
FINANCE (CMPC) DEPARTMENT FORT ST. GEORGE
CHENNAI-9

- 2 THE SECRETARY
GOVERNMENT OF TAMILNADU SCHOOL EDUCATIONAL
DEPARTMENT FORT ST. GEORGE CHENNAI-9
- 3 THE DIRECTOR OF SCHOOL
EDUCATION COLLEGE ROAD CHENNAI-6
- 4 THE JOINT DIRECTOR OF SCHOOL
EDUCATION (VOCATIONAL) COLLEGE ROAD
CHENNAI-6
- 5 THE CHIEF EDUCATIONAL OFFICER
PUDUKKOTTAI DISTRICT PUDUKKOTTAI
- 6 THE HEADMASTER
GOVERNMENT HIGHER SECONDARY SCHOOL ARIMALAM
PUDUKKOTTAI 622 201 ... RESPONDENT in WP No.4653 of 2015
- 1 GOVERNMENT OF TAMILNADU
REP. BY PRINCIPAL SECRETARY TO GOVERNMENT
FINANCE (CMPC) DEPARTMENT FORT ST. GEORGE
CHENNAI-9
- 2 THE SECRETARY
GOVERNMENT OF TAMILNADU SCHOOL EDUCATIONAL
DEPARTMENT FORT ST. GEORGE CHENNAI-9
- 3 THE DIRECTOR OF SCHOOL
EDUCATION COLLEGE ROAD CHENNAI-6
- 4 THE CHIEF EDUCATIONAL OFFICER
PUDUKKOTTAI DISTRICT PUDUKKOTTAI
- 5 THE HEADMASTER
GOVERNMENT HIGHER SECONDARY SCHOOL
KEERANOOR PUDUKKOTTAI DISTRICT
... RESPONDENT in WP No.4654 of 2015
- 1 GOVERNMENT OF TAMILNADU
REP. BY PRINCIPAL SECRETARY TO GOVERNMENT
FINANCE (CMPC) DEPARTMENT FORT ST. GEORGE
CHENNAI-9
- 2 THE SECRETARY
GOVERNMENT OF TAMILNADU SCHOOL EDUCATIONAL
DEPARTMENT FORT ST. GEORGE CHENNAI-9

- 3 THE DIRECTOR OF SCHOOL
EDUCATION COLLEGE ROAD CHENNAI-6
- 4 THE JOINT DIRECTOR
OF SCHOOL EDUCATION (VOCATIONAL) COLLEGE
ROAD CHENNAI-6
- 5 THE CHIEF EDUCATIONAL
OFFICER VELLORE DISTRICT VELLORE
... RESPONDENT in WP No.4655 of 2015
- 1 THE GOVERNMENT OF TAMILNADU
REP. BY SECRETARY TO THE GOVERNMENT FINANCE
(PAY CELL) DEPARTMENT FORT ST. GEORGE
CHENNAI-600 009
- 2 THE SECRETARY TO THE
GOVERNMENT GOVERNMENT OF TAMIL NADU SCHOOL
EDUCATION DEPARTMENT FORT ST. GEORGE
CHENNAI-600 009
- 3 THE DIRECTOR OF SCHOOL
EDUCATION COLLEGE ROAD CHENNAI-600 006
- 4 THE CHIEF EDUCATIONAL
OFFICER PUDUKKOTTAI DISTRICT PUDUKKOTTAI
- 5 THE HEADMASTER
GOVERNMENT HIGHER SECONDARY SCHOOL
THIRUVARANGULAM PUDUKKOTTAI DISTRICT
... RESPONDENT in WP No.11135 of 2016

Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent, relating to paragraph 3 of the G.O.Ms. No. 263 Finance(Pay Cell) Department, dated 22.07.2013 and letter No. 66858/CMPC/2013-2 dated 22.08.2014 and to quash the same in so far as it gives Monetary Benefits to the Petitioner with effect from 01.04.2013 is concerned and the proceedings, dated 16.12.2013 in Na.Ka.No. 565/2013 dated 23.12.2013 in Na.Ka/ No. 321/2013 of the 5th Respondent and consequently, to direct the Respondents to grant the revised scale of pay of Rs. 9300-34800+4600 to the vocational instructors, like the Petitioner, with monetary benefits from 01.01.2011 and restore the Selection Grade Scale of pay of the Petitioner to that of Rs. 15600-39100+5400 GP as on 01.01.2011 and grant all consequential benefits to the Petitioner. The other Writ Petitions have been filed for the reliefs as stated therein.

For Petitioners
in all the Petitions : Mr.R.Saseetharan

For Respondents
in all the Petitions : Mrs.P.Kavitha, GA

COMMON ORDER

- 1.The prayers and the issues involved in all these Writ Petitions are one and the same, namely, to quash the paragraph 3 of the GO.Ms.No.263 Finance (Pay Cell) Department, dated 22.07.2013 of the 1st Respondent in so far as it gives monetary benefits to the Petitioners with effect from 01.04.2013 is concerned and the recovery proceedings initiated pursuant to the said Government Order and consequently to direct the Respondents to grant the revised scale of pay of Rs.9300-34800+4600 to the Petitioners (Vocational Instructors), with monetary benefits with effect from 01.01.2011 and restore the Selection Grade scale of pay of the Petitioners to that of Rs.15600-39100+5400 GP as on 01.01.2011 and grant all consequential benefits to the Petitioners. Hence, these Writ Petitions are disposed of by this common order.
- 2.The case of the Petitioners is that the Petitioners herein were appointed as Vocational Instructors in the Respondent Department in the B.T. Assistant Grade Scale of pay. Therefore, the Vocational Instructors are eligible to be treated on par with the Post of Graduate Assistant in respect of the Scale of Pay and other benefits. The Government of Tamil Nadu had issued GO.Ms.No.23 Finance (Pay Cell) Department, dated 12.01.2011, granting revised Scale of Pay, with effect from 01.01.2011, based on the report submitted by the One Man Committee to the Government and accordingly, the Petitioners were paid the revised scale of pay on par with B.T. Assistant with effect from 01.01.2011 and accordingly, the Petitioners were paid revised scale of pay with effect from 01.01.2011. However, in and by the impugned GO.Ms.No.263 Finance (Pay Cell) Department, dated 22.07.2013, the monetary benefits granted in GO.Ms.No.23, dated 12.01.2011 were revised with effect from 01.04.2013, instead of 01.01.2011. Consequently, the Respondents have taken steps to recover the amount and the impugned recovery proceedings came to be passed against the Petitioners to recover the amount already paid to them for the period from 1.4.2011 to 1.4.2013 being the excess monetary benefits. The Petitioners had made representations to the Government, seeking to ventilate their grievance. Since no action is taken by the Respondents so far, the Petitioners had filed Writ Petitions 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 at Rs.15600-39100+GP Rs.5400 notionally with effect from 01.01.2006, with monetary benefits with effect from 01.04.2013. In such circumstances, contending that in view of the order dated, 19.03.2018 of the Madurai Bench of this Court, referred to above, the impugned GO.Ms.No.263, dated 22.7.2013 is liable to be quashed in so far as it takes away the rights from 01.01.2011 and apprehending that the Respondents have taken steps to recover the amount from them, these Writ Petitions have been filed, seeking the reliefs as stated above,

- 3.This court heard the learned counsel on either side and considered their respective submissions and also perused the materials placed on record.
- 4.According to the learned counsel for the Petitioners, in view of the order, dated 19.03.2018, passed in WP(MD)Nos.2654, 2924, 2663 of 2018 and 15980, 17197 of 2014, the impugned GO.Ms.No.263, dated 22.7.2013 is liable to be quashed in so far as it takes away the rights from 01.01.2011, and their main grievance is that the Respondents have now taken steps to recover the amount already paid for the period from 01.04.2011 to 01.04.2013 being the excess monetary benefits paid to them.
- 5.The learned Government Advocate for the State has submitted that the Petitioners had filed the present Writ Petitions, challenging the G.O.Ms.No.263, Finance (Pay Cell) Department, dated 22.07.2013 only on the apprehension that the Respondents have taken steps to pass recovery proceedings against the Petitioners and that the State Government, after examining order, dated 19.03.2018, passed by the Madurai Bench of this Court, in WP(MD)Nos.2654, 2924, 2663 of 2018 and 15980, 17197 of 2014, 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 and hence, the apprehension of the Petitioners is unfounded and consequently, the impugned GO.Ms.No.263 Finance (Pay Cell) Department, dated 22.7.2013 and the consequential recovery proceedings cannot be given effect to and ultimately, nothing survives in these Writ Petitions.
- 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."

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.

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

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

Srcm

To

1.THE GOVERNMENT OF TAMIL NADU, BY SECRETARY TO GOVERNMENT FINANCE (PAY CELL) DEPARTMENT, FORT ST.GEORGE, CHENNAI-9

2.THE SECRETARY TO GOVERNMENT, GOVERNMENT OF TAMIL NADU SCHOOL EDUCATION DEPARTMENT, FORT ST.GEORGE, CHENNAI-9

3.THE DIRECTOR OF SCHOOL EDUCATION, COLLEGE ROAD, CHENNAI-6

4.THE CHIEF EDUCATIONAL OFFICER, DHARMAPURI DISTRICT, DHARMAPURI

5.THE HEAD MASTER, AVVAIYAR GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL, DHARMAPURI 636 701

6. THE HEAD MASTER
THIYAGI SUBRAMANIA SIVA GOVERNMENT BOYS HIGHER SECONDARY
SCHOOL, PARRAVAPATTI POST
PENNAGARAM TALUK, DHARMAPURI DISTRICT
- 7 THE CHIEF EDUCATIONAL OFFICER
ERODE DISTRICT ERODE.
- 8 THE CHIEF EDUCATIONAL OFFICER
THIRUVARUR DISTRICT THIRUVARUR.
- 9 THE CHIEF EDUCATIONAL OFFICER
NAGAPATTINAM DISTRICT NAGAPATTINAM.
- 10 THE CHIEF EDUCATIONAL OFFICER
COIMBATORE DISTRICT COIMBATORE.
- 11 THE HEADMASTER
GOVERNMENT HIGHER SECONDARY SCHOOL
BUNGLOWPUDUR-638 506 GOBICHETTIPALAYAM
TALUK ERODE DISTRICT.
- 12 THE HEADMASTER
GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL
NANNILAM-610 105 THIRUVARUR DISTRICT.
13. THE HEADMASTER
GOVERNMENT HIGHER SECONDARY SCHOOL
KULLIKARAI-613 701 THIRUVARUR DISTRICT.
14. THE HEADMASTER
GOVERNMENT HIGHER SECONDARY SCHOOL
THIRUMURUGAL-609 702 NAGAPATTINAM DISTRICT.
15. THE HEADMASTER
GOVERNMENT HIGHER SECONDARY SCHOOL
ASHOKAPURAM-641 022 NGGO COLONY POST
COIMBATORE DISTRICT.
16. THE JOINT DIRECTOR OF SCHOOL
EDUCATION (VOCATIONAL) COLLEGE ROAD
CHENNAI-600006
17. THE CHIEF EDUCATIONAL OFFICER
PUDUKKOTTAI DISTRICT PUDUKKOTTAI
18. THE PRINCIPAL
GOVERNMENT MODEL HIGHER SECONDARY SCHOOL
PUDUKKOTTAI & DISTRICT

19. THE HEADMASTER
GOVERNMENT HIGHER SECONDARY SCHOOL
ARIMALAM, PUDUKKOTTAI DISTRICT 622 201.

20. THE HEADMASTER
GOVERNMENT HIGHER SECONDARY SCHOOL
KEERANOOR PUDUKOTTAI DISTRICT

21. THE CHIEF EDUCATIONAL OFFICER
VELLORE DISTRICT VELLORE

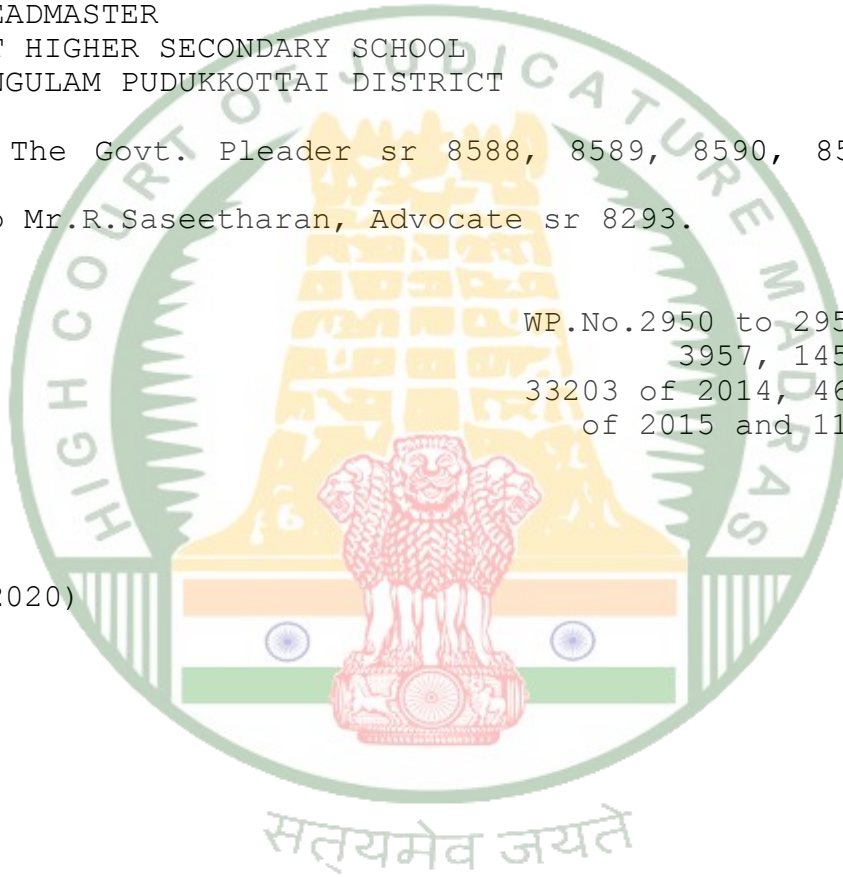
22. THE HEADMASTER
GOVERNMENT HIGHER SECONDARY SCHOOL
THIRUVARANGULAM PUDUKOTTAI DISTRICT

+1 CC to The Govt. Pleader sr 8588, 8589, 8590, 8591, 8592 & 8593.

+16 CCS to Mr.R.Saseetharan, Advocate sr 8293.

WP.No.2950 to 2952, 3955 to 3957, 14506, 33202, 33203 of 2014, 4652 to 4655 of 2015 and 11135 of 2016

PA(CO)
SP(02/06/2020)



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