

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.15822 and 15823 of 2017

And

W.M.P.Nos.17132 and 17133 of 2017

P.Ganesan
M.Arumugham

... Petitioner in W.P.15822/2017

... Petitioner in W.P.15823/2017

Vs.

1. The Secretary to Government,
Finance (Pay Cell) Department,
Fort St.George,
Chennai - 600 009.
 2. The Secretary to Government,
School Education Department,
Fort St.George,
Chennai - 600 009.
 3. The Joint Director of School
Education (Vocational Education),
College Road,
Chennai - 600 006.
 4. The Chief Educational Officer,
Trichy,
Trichy District.
 5. The Head Master,
Government Boys Higher Secondary School,
Mettupalayam & Post,
Musiri Taluk - 621 210,
Trichy District.
- ... Respondents in both the W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for records pertaining to the orders of the 5th respondent in proceedings Nil dated 12.06.2017 relating to re-fixation and recovery of pay and quash the same and consequently direct the respondents to allow the petitioner to draw the Selection Grade pay of Rs.15600 - 31900 + Rs.5400 (GP) in terms of Government

Letter No.63305/ Finance/ Pay Cell/2010-1 dated 08.11.2010 and G.O.Ms.No.23 Finance Department dated 12.01.2011 issued by the first respondent.

For Petitioners: Mr.S.Kamadevan
For Respondents: Mr.A.N.Thambi Durai for R1
Special Government Pleader
Mr.S.Suresh Kumar for R2 to R5
Government Advocate

C O M M O N O R D E R

The petitioners pray for a direction to the respondents to grant the revised pay scale to the petitioners with all monetary benefits from 1.1.2006 and from 1.1.2011 along with all consequential benefits.

2. The matter in issue pertains to implementation of the recommendations of the 6th Pay Commission. The Government, while accepted the recommendations, issued G.O. Ms. No.263, Finance (Pay Cell) Department dated 22.7.13, granted the monetary benefits with effect from 1.4.13. However, the grievance of the petitioners is that the said benefits ought to have been given from 1.1.2011.

3. 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 petitions as well.

4. This Court heard the learned counsel on either side and perused the materials available on record as also the decision relied on.

5.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."

6. The petitioners 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 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).

7. 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. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(cs iii)

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To

Sub Assistant Registrar

1. The Secretary to Government,
Finance (Pay Cell) Department,
Fort St.George,
Chennai - 600 009.
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+1cc to the Government Pleader in SR.NO...42277

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(CO)

rv(03/02/2021)