



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.13152 of 2013

and

M.P (MD)No.1 of 2013

WEB COPY

R.Govindaraj

... Petitioner

Vs.

1.State of Tamilnadu by its

Secretary to Government,
Finance (Pay Cell) Department,
Fort.St.George,
Chennai.

2.The Director of Elementary Education,
College Road,
Chennai

3.The District Collector,
Madurai District,
Madurai.

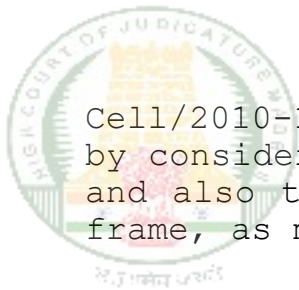
4.The District Elementary Education Officer,
Madurai District,
Madurai.

5.The Additional Elementary Educational Officer,
Thirumangalam,
Madurai.

6.The Secretary,
Kshathriya Nadargal High School,
Sathangudi - 625 706,
Thirumangalam Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to proceedings of the fifth respondent in Na.Ka.No.489/A4/13, dated 26.06.2013 and to quash the same and consequential order of direction, directing the fourth and fifth respondents to revise the pay scale of the petitioner along with incentives, increments, leave salary, pay arrears, earn leave and unearned leave and also the terminal benefits including the arrears of Dearness Allowance and, pay as per the communications in Letter No.51082/ Pay Cell / 2010-1, dated 15.09.2010, Letter No.63305/Paycell/2010-4, dated 12.11.2010 and Letter No.63305 / Pay



Cell/2010-1, dated 08.11.2010 of the Finance (PC) Department, also, by considering the representation of the petitioner dated 06.05.2013 and also to settle the arrears due to the petitioner within a time frame, as may be fixed by this Court.

For Petitioner : Mr.G.Aravinthan

For Respondents : Mr.J.Gunaseelan Muthiah
(R1 to R5) Addl.Govt.Pleader

For Respondent-6: Mr.S.R.Sathan Boopathy

O R D E R

The order of rejection, rejecting the claim of the writ petitioner, for grant of revised Grade Pay of Rs.5,700/-, is under challenge in the present writ petition.

2. The learned counsel appearing on behalf of the petitioner mainly relied on the Government Letter, dated 08.11.2010, issued by the Finance Department and had stated that, with reference to S.No.15, Annexure-I, Fitment Table, the Special Grade scale of pay is applicable to the writ petitioner and accordingly, the Grade Pay of Rs.5,700/- is to be granted, as the petitioner has completed 20 years of service.

3. The learned counsel for the petitioner is of the opinion that, as per the Government Order and the Fitment Table, the correct pay and scale-of-pay was not given to the writ petitioner and therefore, he is entitled for the relief of revision of scale-of-pay and consequently, all the terminal benefits and other consequential monetary benefits are to be granted

4. The petitioner was initially appointed as Secondary Grade Teacher, on 05.06.1973. He was awarded Selection Grade with effect from 05.06.1983 and Special Grade with effect from 05.06.1993. As the petitioner was granted Special Grade in the post of Secondary Grade Teacher, he was allowed the scale of pay of Rs.9,300-34,800 with a Grade Pay of Rs.4,500/-, as per G.O.Ms.No.234, dated 01.06.2009.

5. The general Fitment Table referred by the petitioner must be read along with the specific Government Order issued in G.O.Ms.No.234, dated 01.06.2009. The Fitment Table are to be considered with reference to cadre and the other Government orders in force. Admittedly, the petitioner was working in the upgraded High School and the post of Middle School Headmaster was abolished. Thus, the post of Primary School Headmaster was allotted to the School, in which, the petitioner was working. Thus, the petitioner was promoted as Primary School Headmaster, in the newly created post. The petitioner joined as Primary School Headmaster on



23.06.2011. However, the petitioner had not appointed as High School Headmaster. Thus, the contention of the petitioner that he was a High School Headmaster is not correct. The 4th respondent competent educational authority approved the promotion of the petitioner only in the post of Primary School Headmaster, with effect from 27.06.2011, as per the Service Records of the petitioner. Accordingly, his pay was fixed in the category of Primary School Headmaster at Rs.19,340/- with Grade Pay of Rs.4,500/-.

6. The Government letter relied on by the petitioner, dated 15.09.2010 relates to those whose pay scale were revised, as per the G.Os.254 to 340, dated 26.08.2010. The pay of the Secondary Grade Teacher was not revised and the Government Letter, dated 08.11.2010 referred to the selection and special grade scale of pay in respect of scales of pay, which were revised, as per the Government Order stated above.

7. The Government Letter, dated 05.01.2012 referred to the revised scale pay of to the Headmasters of the High Schools, whereas, the petitioner was promoted as Primary School Headmaster. Thus, he is not entitled for any further revision of pay, as claimed in this writ petition. This apart, the writ petitioner has not stated the eligibility for grant of grade pay, as claimed in the writ petition. This being the factum, the writ petitioner has not established that he is entitled for the revision of scale-of-pay or Grade Pay as such sought for. Accordingly, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar ()

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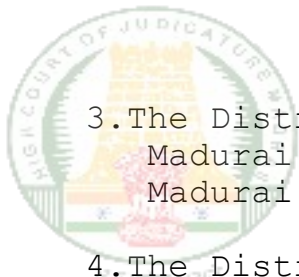
Sub Assistant Registrar(CS)

MPK

To

1. The Secretary to Government,
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2. The Director of Elementary Education,
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5.The Additional Elementary Educational Officer,
Thirumangalam,
Madurai.

+1 CC to M/s.G. ARAVINTHAN, Advocate (SR-20280[F] dated
16/10/2020)

+1 CC to M/s.SPL GP (SR-20527[F] dated 19/10/2020)

W.P. (MD) No.13152 of 2013
15.10.2020

SSS(CO)
KB(05.11.2020) 4P 8C