



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.4980 of 2020

WEB COPY

- 1.L.Natarajan
- 2.R.Balasubramanian
- 3.P.Muthurakku
- 4.V.Ramar
- 5.A.Kamatchi
- 6.D.Balamohan
- 7.K.Rajaram
- 8.K.S.Muniasamy
- 9.V.Duraipandian
- 10.A.Alagarsamy
- 11.S.Duraipandian
- 12.R.S.Kannan
- 13.S.Sikkander
- 14.K.Selvanarayanan
- 15.S.Ilangovan
- 16.R.Chokkar

... Petitioners

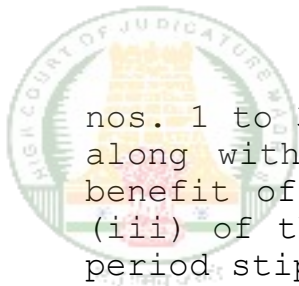
/vs./

1. The Principal Secretary to the Government
Finance Department
Fort St.George
Chennai - 9
2. The Principal Secretary to the Government
School Education Department
Fort St.George
Chennai -9
3. The Director of School Education
DPI Compound
College Road
Chennai 600 006
4. The Joint Director (Vocational)
Directorate of School Education
DPI Compound, College Road
Chennai 600 006

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent

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nos. 1 to 3 to refix the scale of pay and pension of the petitioners along with consequential monetary benefits by way of granting the benefit of Additional Fitment Table 15 and by applying Rule 4(i) & (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009 within the period stipulated by this Court.

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For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.N.Shanmugaselvam
Additional Government Pleader

ORDER

This Writ petition has been filed for a direction to the respondent nos. 1 to 3 to refix the scale of pay and pension of the petitioners along with consequential monetary benefits by way of granting the benefit of Additional Fitment Table 15 and by applying Rule 4(i) & (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009.

2.By consent of parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The learned counsel for the petitioners would submit that the petitioners were appointed as Vocational Instructors on 12.11.1980 and they were regularized in the post of Vocational Instructors. At the time of implementation of sixth pay commission, the petitioners were eligible for revised basic pay of Rs.22,460/- as per the Additional Fitment Table 15 and Rule 4(i) & (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009 as were getting the basic pay of Rs.7,900/- as on 01.01.2006. The grievance of the petitioners is that though they were entitled for revision of basic pay of Rs.22,460/-, but they were not granted the same benefit and were provided with only Rs.21,000/- which is the minimum basic pay of the scale. Therefore, the petitioners were deprived of revision scale of pay as per the Additional Fitment Table 15 and Rule 4(i) & (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009. According to the petitioners, the above said re-fixation of pay has been done properly for several similarly placed persons and for others. Therefore, the petitioners sent detailed representations on various dates namely 26.11.2019, 05.12.2019, 10.12.2019, 12.12.2019, 20.12.2019, 25.10.2019, 07.01.2020, 11.01.2020, 13.01.2020, 17.01.2020, 18.01.2020 and 27.01.2020, 28.01.2020 respectively and the final representation was sent on 30.01.2020. But, so far, no action has been taken by the respondents. Hence, the petitioners are before this Court.

4.Though the learned counsel for the petitioners has sought for larger relief, he submitted that it would suffice, if a direction is issued to the respondents to consider the representation of the petitioners, dated 30.01.2020 in the light of Additional Fitment



Table 15 and Rule 4(i) & (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009, within a time frame that may be stipulated by this Court.

5. Heard the learned counsel for the petitioners as well as the learned Additional Government Pleader appearing for the respondents.

6. Considering the facts and circumstances of the case and without advertting to the merits of the case, the respondents are directed to consider the representation of the petitioners, dated 30.01.2020 in the light of Additional Fitment Table 15 and Rule 4(i) & (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is needless to say that the petitioners shall enclose the copy of the representation, dated 30.01.2020 along with this order copy to the respondents.

8. With the above direction, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

msa

To

1. The Principal Secretary to the Government
Finance Department
Fort St. George
Chennai - 9
2. The Principal Secretary to the Government
School Education Department
Fort St. George
Chennai -9
3. The Director of School Education
DPI Compound
College Road
Chennai 600 006



4. The Joint Director (Vocational)
Directorate of School Education
DPI Compound, College Road
Chennai 600 006

5. +1 CC to SPL.GP
(SR-11048[F] dated 11/03/2020)

Order made in
W.P. (MD) No.4980 of 2020
Dated:10.03.2020

TP (06.05.2020) 4P 6C