



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.15233 of 2014

WEB COPY

1.M.R.Ravichandran

2.M.Maheswaran

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep by its Principal Secretary,
School Education Department,
Fort St.George, Chennai-600 009.

2.The Director of School Education,
O/o.The Director of School Education,
DPI Campus,
Chennai-6.

3.The Joint Director of School Education (Vocational),
O/o.The Joint Director,
DPI Campus,
Chennai-6.

... Respondents

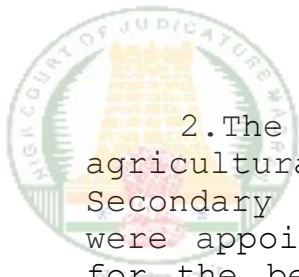
PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Letter No.8358/Si.Sil (3)/2014-1, dated 04.08.2014 on the file of the respondent No.1 and quash the same as illegal and consequently, to direct the respondents to re-fix the basic pay of the petitioners in terms of the Government Order in G.O.Ms.No.840 Finance (Pay Commission) Department, dated 31.07.1990 within the time period stipulated by this Court.

For Petitioners : M/s.Kanimozhi
For Mr. T.Lajapathi Roy

For Respondents : Mrs.S.Srimathi
Special Government Pleader

ORDER

The order of rejection dated 04.08.2014, with reference to the claim of the writ petitioners to re-fix the basic pay of the petitioners in terms of the Government Order in G.O.Ms.No.840 Finance (pay Commission) Department, dated 31.07.1990, is under challenge in the present writ petition.

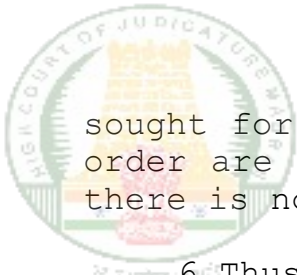


2.The writ petitioners state that they were appointed as agricultural Instructors on 13.01.2009 in Government Higher Secondary School. The admitted fact is that the writ petitioners were appointed only on 13.01.2009, however, the petitioners sought for the benefit granted by the Government in G.O.Ms.No.840, which was issued in the year 1990. In the year 1990, the petitioners were not at all in service. Thus, the basic pay of the Agricultural Instructor, which was granted in G.O.Ms.No.840 cannot have any application, as far as the writ petitioners are concerned, in view of the fact that they were appointed as Agricultural Instructors only on 13.01.2009. This apart, the petitioners already filed W.P (MD).No.1585 of 2014 and this Court passed an order on 30.01.2014 directing the first respondent to consider the claim of the petitioners with reference to the G.O.Ms.No.840, dated 31.07.1990.

3.It is relevant to note that, before the introduction of the Higher Education in the State of Tamil Nadu, the Agricultural Instructors B.Sc (Agri) qualification, were teaching the Crop Production subject in the Vocational Course and were sanctioned the special grade of pay in the pay scale of 1640 - 2900, in Serial No.40 of G.O.Ms.No.6 Finance (Pay Scale) Dept., dated 27.06.1989. Thereafter, as per the recommendation of the One Man Commission, the Agricultural Instructors with B.Sc(Agri) qualification, were sanctioned with the revised pay scale in the pay band of Rs.2000 - 3500 with effect from 01.06.1988, as per the G.O.Ms.No.840 Finance (Pay Commission) Department, dated 31.07.1990.

4.After the introduction of the Higher Secondary Education in the State, the Vocational Instructors, who were appointed, were governed by ad-hoc rules framed under Para 8, Serial No.3, as per G.O.Ms.No.6 School Education Department, dated 04.01.2000 and thereafter, they are eligible only under the pay band of Rs.1400 - 2600. But, the writ petitioners were appointed as Agricultural Instructors with B.Sc(Horticulture) degree as on 19.01.2009 and they come under the pay band of 1400-2600 as per G.O.Ms.No.6. Thus, they are ineligible to be considered in the pay band of 2000-3500 as per G.O.Ms.No.840. For the similarly placed teacher viz., one Mr.Narayanansamy, is concerned, he was awarded the pay scale of 2000-3500 as per G.O.Ms.No.840 for the reason that he filed the writ petition in W.P.No.32121 of 2006 before the Principal Bench of this Court and the same has no relevant with reference to the present writ petition. The said judgment was issued in Personum and the same cannot be construed as a judgment in Rem.

5.Thus, each cases is to be decided on its own merits and demerits. In the present case, the writ petitioners were appointed during the year 2009 and by referring the Government Order of the year 1990, they are seeking revised scale of pay. This being the factum, the writ petitioners have not established any acceptable legal grounds for the purpose of considering the relief as such



sought for in the writ petition. The reasons stated in the impugned order are acknowledged, in accordance with the legal principles and there is no infirmity.

6. Thus, the writ petition is devoid of merits and the same stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2020

Sub Assistant Registrar (CS)

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To

1. The Principal Secretary,
State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai-9.

2. The Director of School Education,
O/o. The Director of School Education,
DPI Campus,
Chennai-6.

3. The Joint Director of School Education (Vocational),
O/o. The Joint Director,
DPI Campus,
Chennai-6.

+1 CC to SPL GP (SR-19744[F] dated 12/10/2020)

+1 CC to MR. T. LAJAPATHI ROY, Advocate (SR-19868[F] dated 13/10/2020)

W.P. (MD) No. 15233 of 2014

09.10.2020

VB (20.10.2020) 3P 6C