



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No.17833 of 2014
and M.P. (MD) Nos.1, 2, 3 & 4 of 2014

C.Christober Thangaraj

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its Principal Secretary,
Finance (CMPC) Department,
Fort St.George, Chennai - 600 009.

2.The Director of School Education,
College Road, Chennai - 06.

3.The Joint Director (Vocational) of School Education,
College Road, Chennai - 06.

4.The Chief Educational Officer,
Nagercoil, Kanyakumari District.

5.The Head Master,
Govt.Higher Secondary School,
Agastheeswaram - 629 701
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed 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.66858/CMPC/2013-2, dated 22.08.2014 on the file of the Respondent No.1 and quash the same as illegal and consequently to direct the respondents to provide the Selection Grade Scale of Pay of Rs.15600-39100+5400 to the petitioners within the time stipulated by this Court.

For Petitioner

: Mr.M/s.Kanimozhi,
for M/S.T.Lajapathy Roy

For Respondents

: Mr.J.Gunaseelan Muthaiah,
Additional Government Pleader.

**ORDER**

The order of rejection of pay issued by the first respondent in proceedings dated 22.08.2014 is under challenge in the present writ petition.

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2.The petitioner was appointed as Vocational Instructor (Computer Science) at Government Higher Secondary School, Agastheeswaram, Kanyakumari District. His scale of pay was fixed with effect from 01.01.2006. However, the impugned order has been passed in proceedings dated 22.08.2014 stating that as the Selection Grade scale of pay of B.T.Assistant is restricted as Rs.9300-34800+Grade Pay Rs.4800, the same is applicable to the writ petitioner in the cadre of Vocational Instructor and accordingly, pay reduction order was passed.

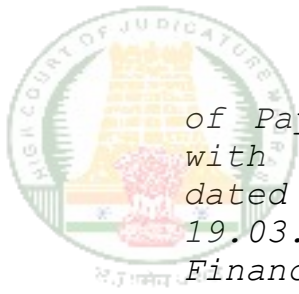
3.The learned counsel appearing on behalf of the writ petitioner made a submission that the similar impugned orders of reduction of pay in respect of other Vocational Instructor were considered by this Court and the said impugned orders were set aside. In this regard, an order of this Court, dated 02.09.2020 made in W.P.No.28695 of 2013 is relied upon and the relevant portions are extracted hereunder:-

"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 petition as well.

4.This Court heard the learned counsel on either side and perused the materials 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 us under:-

"6.The petitioners have challenged the impugned GO.Ms.No.263, dated 22.07.2013 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 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 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 22.07.2013 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 petitioner 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 petitioner herein. In such view of the matter, this Court is of the considered opinion that this writ petition ought to be disposed of in terms of the order passed in V.Krishnan's case(supra).

7.Accordingly, this writ petition is 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 22.07.2013 and the consequential recovery proceedings cannot be given effect to. Consequently connected miscellaneous petitions are closed. There shall be



no order as to costs."

4. Accordingly, the writ petition is disposed of, on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Principal Secretary,
Finance (CMPC) Department,
Fort St.George, Chennai - 600 009.

2.The Director of School Education,
College Road, Chennai - 06.

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Kanyakumari District.

+1 CC to M/s.GP (SR-19750[F] dated 12/10/2020)

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-19857[F] dated 13/10/2020)

W.P. (MD) No.17833 of 2014
09.10.2020

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