

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2395 of 2021

1.C.Elango
2.V.P.Shanmugasundaram
3.N.Rajasekaran
4.S.Chenpaga Pandian
5.K.Balasundaram
6.V.Rangasamy
7.S.K.Palanisamy
8.P.Ramalingam
9.M.Shanthakumari
10.KKannieswary
11.B.Mohana Vasantha Bai

..... 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, praying to issue a writ of Mandamus, directing the Respondent No.2 to revise the pension of the Petitioners by way of refixing the scale of pay of the Petitioners at Rs.2000-3500 on par with the scale of pay

sanctioned to similarly placed vocational instructors by extending the benefit of Government Order in G.O.(1D).No.327 School Education Department, dated 18.11.2013 along with consequential monetary benefits to the Petitioners for the service rendered in the post of Vocational Instructor within the time period that may be stipulated by this Court.

For Petitioner : Mr.K.Thilageswaran.

For Respondents : Mr.A.Aruldoss, Government Advocate for R1.

Mr.P.Raja, Government Advocate for R2 to R4.

O R D E R

This writ petition has been filed, seeking a direction to the 2nd respondent to revise the pension of the Petitioners by way of refixing the scale of pay of the Petitioners at Rs.2000-3500 on par with the scale of pay sanctioned to similarly placed vocational instructors by extending the benefit of Government Order in G.O.(1D).No.327 School Education Department dated 18.11.2013 along with consequential monetary benefits to the Petitioners for the service rendered in the post of Vocational Instructor within the time period that may be stipulated by this Court.

2. By consent of both sides, the orders are passed in the writ petition. Mr.A.Aruldoss, learned Government Advocate takes notice for the first respondent and P.Raja, learned Government Advocate takes notice for the respondents 2 to 4.

3.The case of the petitioners is that the petitioners were working as Vocational Instructors in various Government Higher Secondary Schools in Tamil Nadu and got retired. The Vocational Instructor possessing degree are entitled for the scale of pay at Rs.2000-3500/-. However, it was not fixed by the Respondents and therefore, they approached this Court by way of Writ Petitions. By virtue of the order of this Court in W.P.No.32121 of 2006 dated 05.01.2020, it has been upheld by the Hon'ble Supreme Court, and the Government has issued G.O.(I.D.)No.327, Education Department dated 18.11.2013 and thereby, granted a pay scale of Rs.2000-3500/-.

4.Thereafter, similarly placed candidates have filed Writ Petitions before this Court in W.P.No.31534 of 2014 and by an order dated 30.08.2017, the respondents were directed to consider the grievance of the petitioners as per G.O.(I.D.) No.327 dated 18.11.2013. Since, the petitioners also possess

valid degree and they are entitled to get the benefit under the said Government Order, they made several representations. But there is no response on the side of the respondents. Hence, the petitioners have filed the present writ petition with the aforesaid relief. However, the learned counsel submitted that it would suffice, if the said representations made by the petitioners are directed to be considered by the respondents on merits.

5. In view of the submission made by the petitioners and if the Petitioners' representations are already pending with the authorities concerned and, not disposed of earlier, this Court directs the respondents to consider the representations of the petitioners dated 16.12.2020, 18.12.2020 and 23.12.2020 and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to all the parties concerned, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

6. The petitioners shall furnish their phone number, email ID, if any, etc., along with copies of the representations dated 16.12.2020, 18.12.2020 and 23.12.2020 and this order, to the respondents forthwith. The respondents are directed to communicate the decision taken on the representations, to the petitioners within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the parties, at a later point of time, will not take a plea that they are not aware of the order.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vum

To:

1.The Principal Secretary to the Government,
Finance Department,
Fort St.George,
Chennai - 9.

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3.The Director of School Education,
DPI Compound,
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Directorate of School Education,
DPI Compound, College Road,
Chennai - 600 006.

+1cc to Mr.K. THILAGESWARAN, Advocate, S.R.No.7613
+2cc to the Government Pleader, Highcourt, Madras S.R.Nos.6677,
7099

CP(CO)
SM/02/03/2021

W.P.No.2395 of 2021

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