



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.22127 of 2008

V. Kanagalatha

... Petitioner

Vs.

1. The Government of Tamil Nadu,
rep. by Secretary to the Government,
Higher Education Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner,
Technical Education,
Guindy, Chennai - 600 025.
3. The Secretary,
Arulmigu Palaniandavar
Polytechnic for Girls,
Palani, Dindigul District.

... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the first and second respondents issued in letter No.24619/C1/2000-2, Higher Education (C.1 Department) dated 30.04.2001 and in letter No.O.M.33779/C1/2006, dated 11.10.2006 respectively and quash the same and issue a consequential direction to the respondents to award Senior Grade scale of pay of Rs.3,000 - 5,000 to the petitioner with effect from 01.01.1986 and Selection Grade scale of pay of Rs.3,700 - 5,700 from 01.07.1989 by counting the service rendered in the post of Physical Directress in the private recognised Colleges and Polytechnics for a period from 02.07.1969 to 14.09.1982 together with the service rendered in the post of Physical Directress in the third respondent institution for a period from 15.09.1982 to 01.02.1993 and fix last pay drawn and then fix the pension and pay the arrears of salary and pension.



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For Petitioner : Mr.R.Saseetharan
For Respondent : Mr.C.Selvaraj
Nos.1 & 2 : Government Advocate (Civil)

O R D E R

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records of the first and second respondents issued in Letter No.24619/C1/2000-2, Higher Education (C.1 Department) dated 30.04.2001 and in letter No.O.M.33779/C1/2006, dated 11.10.2006, respectively, and quash the same and issue a consequential direction to the respondents to award Senior Grade scale of pay of Rs.3,000 - 5,000 to the petitioner with effect from 01.01.1986 and Selection Grade scale of pay of Rs.3,700 - 5,700 from 01.07.1989 by counting the service rendered in the post of Physical Directress in the private recognised Colleges and Polytechnics for a period from 02.07.1969 to 14.09.1982 together with the service rendered in the post of Physical Directress in the third respondent institution for a period from 15.09.1982 to 01.02.1993 and fix last pay drawn and then fix the pension and pay the arrears of salary and pension.

2. The Writ Petitioner was appointed as Physical Directress in P.S.G.R.Krishnammal Women College, Coimbatore, on 02.07.1969 and rendered service there up to 13.06.1971. Thereafter, she joined in Arulmigu Palaniandavar Women Senthamizh College, Palani, on 01.07.1971, and continued as such till 19.07.1981 and the respondent has given experience with artificial breaks, but, I do not find any break in service. Thereafter, she worked in Arulmigu Palaniandavar Women Arts College from 20.07.1981 to 14.09.1982. Subsequently, she was appointed as Physical Directress in Arulmigu Palaniandavar Women Polytecnic from 15.09.1982 till December, 1993. In the meanwhile, she opted for voluntary retirement from service and as such, her voluntary retirement was accepted with effect from 02.02.1993.

3. It is to be noted that for the services rendered between 15.09.1982 and December, 1993, without promotion, a financial upgradation was granted and pay scale of the Teacher was fixed at Rs.3,000 - 5,000 in the Senior Scale and the terminal benefits were counted on the basis of that pay scale.

4. The grievance of the petitioner is that even though she served under the same Management for more than 20 years, the financial upgradation for the services rendered for the first 10 years was not given under the pretext that she worked under two



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different types of Colleges. It is not very clear as to the difference between the appointments from 01.07.1971 and 14.09.1982. However, the undisputed fact remains that the petitioner served as Physical Directress from 01.07.1971 to 02.02.1993.

5. It is relevant to note that the qualification, duties and responsibilities for the post of Physical Directress are one and the same in Polytechnic College as well as in Arts and Science College. The Government, after considering the duties and responsibilities and the educational qualification, has granted pay parity between Physical Directors of Polytechnic and Arts College vide G.O.Ms.No.841, Education Department, dated 06.09.1993.

6. It is required to be noted that the policy decision was taken by the respondent Government considering the similar nature of work of Physical Directors in various types of institutions. It is also relevant to note that the first respondent in G.O.Ms.No.992, Education Department, dated 22.06.1979 had considered the very same issue of granting selection grade for the services rendered in various institutions. In that G.O., the Government has considered the Schools established under the Panchayat Union Council Establishment Rules, Tamilnadu Municipal Education Service Rules and the Schools under the Director of Backward Classes and Director of Harijan and Tribal Welfare. Even though the said schools fall under different establishments, as long as the nature of work of the post held remains the same, it was decided that they shall be given the benefits of counting service rendered by them continuously for 10 years. This was made applicable to the Schools under Madras and Madurai Corporation also. If it is taken as analogy, the post of Physical Director having the same qualification and the same duties and responsibilities rendered under the same Management, but, under two different Directorates viz., Collegiate Education and Technical Education shall also be considered for grant of financial upgradation such as Selection Grade and Special Grade. By the impugned order, the Government has rejected the request of the petitioner on the ground that the service rendered by her was in two different Directorates.

7. However, this Court is of the considered opinion that the Government shall consider the request of the petitioner in the light of the Government Order in G.O.Ms.No.992, Education Department, dated 22.06.1979, as she has continuously served under the same Management for 20 years and it will give a small boost in the terminal benefits. It is also relevant to state that her past services were counted for pension, but, not for the financial upgradation. Therefore, it is expected that the respondents shall consider the claim of the petitioner and pass



a reasoned order. Such a process shall be completed within a period of six (6) months from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to the Government,
Higher Education Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner,
Technical Education,
Guindy, Chennai - 600 025.

+1cc to the Government Pleader, S.R.No.35554

W.P.No.22127 of 2008

MG(CO)
HS(24/08/2021)