

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.NO.7433 OF 2021

AND

WMP.NO.7956 OF 2021

1. V.Iypee
2. S.Mangaiyarkarasi
3. V.Sathiyabhama
4. K.R.Shyia

... Petitioners

Vs

1. The Principal Secretary to Government
Finance Department,
Fort St.George,
Chennai 600 009.
2. The Principal Secretary to Government,
School Education Department,
Fort St.George,
Chennai 600 009.
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.(ID).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 Petitioners : 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.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the 2nd respondent and if the representation is not already disposed of earlier, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 2nd respondent herein to consider the representation preferred by the petitioner dated 25.02.2020, if the petitioner is found to be eligible and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 120 days from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 2nd respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 25.02.2020 and this order, to the 2nd respondent forthwith;

v) The 2nd respondent is directed to communicate the decision taken on the representation, to the petitioner 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 petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. 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 delivery, so that the

petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Principal Secretary to Government
Finance Department,
Fort St.George,
Chennai 600 009.
2. The Principal Secretary to Government,
School Education Department,
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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.

+1cc to Mr.K.Thilageswaran, Advocate, S.R.No.18722
+1cc to the Government Pleader, S.R.No.18622

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and WMP.No.7956 of 2021

PP(CO)
CS/29/04/2021