

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.1383 of 2014

Tamil Nadu Post Graduate Teachers' Association
Represented by its State General Secretary,
R.Vijayakumar ... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Finance Department,
Fort St.George,
Chennai 600 009.
- 2.The Principal Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St.George,
Chennai 600 009.
- 3.The Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai 600 009.
- 4.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to revise the scale of pay applicable to the post of PG Assistant in Tamil Nadu Higher Secondary Educational Services to rectify the pay anomaly by ensuring the requisite difference of scale of pay applicable to the post of PG Assistant and B.T.Assistant as given in the preceding Pay Commissions III to VI by increasing the scale of pay to the post of PG Assistant on considering the representation submitted by the Petitioner's Association dated 02.05.2012 and 05.08.2013, within a time framed to be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.J.Ramesh for R1 and R2
Additional Government Pleader
Mr.A.Rajaperumal for R3 and R4
Additional Government Pleader(Edn.)

O R D E R

This writ petition has been filed seeking direction to the respondents to revise the scale of pay applicable to the post of PG Assistant in Tamil Nadu Higher Secondary Educational Services to rectify the pay anomaly by ensuring the requisite difference of scale of pay applicable to the post of PG Assistant and B.T.Assistant as given in the preceding Pay Commissions III to VI.

2.According to the petitioner, the Teachers holding the post of PG Assistant are slapped with lesser scale of pay and lesser benefits than the Teachers appointed to the feeder category post of B.T.Assistant. Hence, the petitioner Association made representation to the respondents seeking to rectify the pay anomaly by re-fixing the pay. Since the same has not been considered, they have filed this writ petition for the aforesaid relief.

3.Upon notice, the respondents filed a detailed counter affidavit, wherein it is inter alia stated that if a person seeking appointment to the post of BT Assistant possess higher qualification than the required qualification viz., M.Sc., B.Ed., which is the qualification prescribed for the post of PG Assistant at the time of entry into service, he shall be granted one incentive increments at the entry level itself and his pay will be fixed in the pay band applicable to the post of BT Assistant which may be higher than the pay fixed to a person appointed to the post of PG Assistant possessing only the required qualification. On the other hand, if a teacher seeking appointment to the post of PG Assistants possess additional qualification than what is required for the post at the time of entry into service, the said teacher will be granted incentive increment and also get higher pay than a B.T. Assistant, who has also been granted higher pay for having possessed higher qualification and hence, awarding of such incentive increments cannot be cited as disparity in the pay scale. It is also stated therein that both PG Assistants and BT Assistants have been fixed with the same pay bad, viz., Rs.9300 - 34800 + GP and the difference in the Grade pay between the two posts is only a meager amount of Rs.200/- only. Therefore, the writ petition is liable to be dismissed, according to the respondents.

4.The averments so made in the writ petition have been opposed by the learned counsel for the petitioner. He submitted that the petitioner made a representation dated 05.08.2013 to the third respondent for the relief as claimed in this writ petition and hence, the same may be directed to be considered by the third respondent, within a reasonable time to be fixed by this Court.

5.In view of the limited relief now sought by the learned counsel for the petitioner, which has not been seriously opposed on the side of the respondents, this Court directs the respondents to consider the representation of the petitioner dated 05.08.2013, if not already considered, and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6.Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

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

2.The Principal Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St.George,
Chennai 600 009.

3.The Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai 600 009.

4.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

+1cc to Mr.G.Sankaran, Advocate SR.No.3602

+1cc to Government Pleader SR.No.3264

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RK(CO)
GMY(08/07/2021)



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