

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.26210, 26211, 26212 & 26213 of 2014

S.Thiruvengadathan ... Petitioner in W.P.No.26210 of 2014
A.Kulandaivel ... Petitioner in W.P.No.26211 of 2014
R.Govindaraj ... Petitioner in W.P.No.26212 of 2014
M.Palanisamy ... Petitioner in W.P.No.26213 of 2014

Vs.

- 1.The State of Tamilnadu rep. by
The Secretary,
School Education Department,
Fort St. George, Chennai - 600 009.
- 2.The Director of School Education,
College Road, Nungambakkam,
Chennai - 600 006.
... Respondents 1 and 2 in all WPs
- 3.The Chief Educational Officer,
Thuthukudi, Thuthukudi District
... 3rd Respondent in W.P.No.26210 of 2014
The Chief Educational Officer,
Coimbatore, Coimbatore District.
... 3rd Respondent in W.P.No.26211 of 2014
and 26213/2014
The Chief Educational Officer,
Thiruppur, Thiruppur District.
... 3rd Respondent in W.P.No.26212 of 2014

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to grant scale of pay to the petitioners on par with the scale of pay applicable to the post of Engineering Instructors with B.E. Qualification.

For Petitioners : Mr.Suresh in all Wps.

For Respondents: Mr.C.Munusamy
Special Government Pleader in all WPs

COMMON ORDER

According to the petitioners, they were appointed as Vocational Instructors on 20.09.1996, 15.07.1989, 15.07.1985 and 01.08.1986 respectively and their services were regularised on 22.05.2007, 16.10.1992, 16.10.1992 and 16.10.1992 respectively. Though they were designated as Vocational Instructors with Diploma qualification, they were qualified with B.E. degree and also doing the same work as that of Engineering Instructors and the inter-se seniority between them were ultimately decided by the Division Bench of this Court, pursuant to which, the Government passed G.O.Ms.No.68 School Education Department dated 20.03.2007 notionally calculating the scale of pay with effect from the date of regularization and pay the monetary benefits from the date of issuance of the said G.O. Subsequently, the first respondent issued G.O. (I.D.) Ms.No.327 School Education (g.f. (2) Department dated 18.11.2013 granting revised scale of pay at Rs.2000-3500 with effect from the date of regularization on the basis of G.O.Ms.No.840 Finance (Pay Committee) Department dated 31.07.1990, which Government Order is applicable to the case of the petitioners, since they are discharging the same and similar duties as that of other Vocational Instructors. In this regard, the petitioners sent their respective representations dated 22.01.2014, 21.04.2014, 21.01.2014 and 21.01.2014 to the respondents. Finding no response on the same, they have come up with these writ petitions seeking appropriate direction to the respondents.

2.The learned counsel for the petitioners submitted that a Division Bench of this Court, vide judgment dated 14.08.2014 passed in WA(MD)No.1344 of 2013 in the State of Tamil Nadu v. K.Vasimalai, considered the similar issue that whether the writ petitioner therein, who is having B.Sc degree and doing the same work to be performed by the Agricultural instructor (Vocational), is entitled to be paid a similar salary in accordance with G.O.Ms.No.840 (Finance (Pay Commission) dated 31.07.1990, which was allowed by the learned Single Judge, and ultimately, dismissed the appeal filed by the State. Hence, the learned counsel prayed that the representations of the petitioners may be directed to be considered by the respondents in the light of the said Division Bench decision.

3.On the other hand, the learned Special Government Pleader appearing for the respondents reiterated the averments made in

the counter affidavit and submitted that the petitioners were appointed as Vocational Instructors in the scale of pay at Rs.1400-40-1600-50-2360-60-2600, which was revised then and there as per the recommendations of the pay commission; and considering their higher qualification, they were granted incentive increments, as admissible. However, he fairly submitted that the respondents would consider the representations of the petitioners, if the same are pending, on merits, within a time frame to be stipulated by this Court.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the respective representations dated 22.01.2014, 21.04.2014, 21.01.2014 and 21.01.2014 submitted by the petitioners, if not already considered, and pass appropriate orders, on merits and in accordance with law and also in the light of the Division Bench decision as referred to above, within a period of eight weeks from the date of receipt of a copy of this order.

5.Accordingly, all the writ petitions stand disposed of.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Secretary, School Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
College Road, Nungambakkam,
Chennai - 600 006.
3. The Chief Educational Officer,
Thuthukudi,
Thuthukudi District.
4. The Chief Educational Officer,
Thirupur,
Thirupur District.

5. The Chief Educational Officer,
Coimbatore,
Coimbatore District.

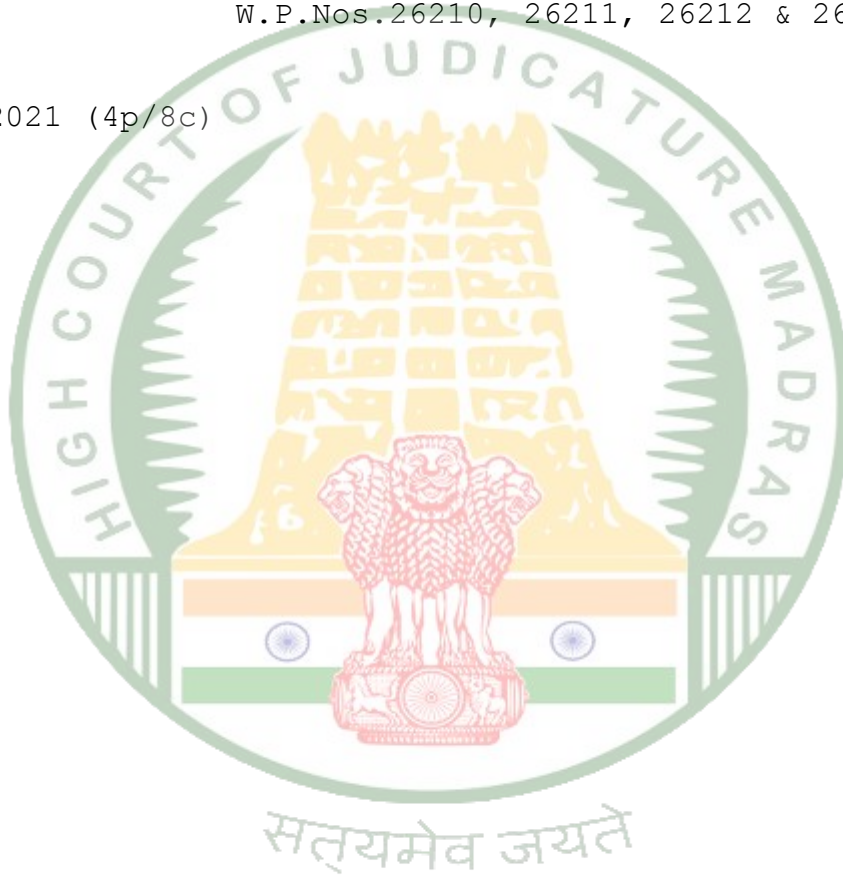
+1 cc to M/S.V.Thirupathi, Advocate Sr No.1257

+1 cc to Government Pleader, Advocate Sr No.1607

+3 ccs to M/S.V.Thirupathi, Advocate Sr No.1257(8/6/2021)

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08.01.2021

PL(CO)
RG.27.04.2021 (4p/8c)



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