



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2021

CORAM:

THE HONOURABLE DR JUSTICE ANITA SUMANTH

W.P. (MD) No.621 of 2018

and WMP (MD) Nos.5406, 651 and 652 of 2018

WEB COPY

V.Kannan

... Petitioner

Vs.

1.The Principal Accountant General (G&SSA),
'LEKHA PARIKSHA BHAVAN',
NO.351, Anna Salai,
Teynampet,
Chennai - 600 018.

2.The Joint Director (Vocational) of School Education,
College Road,
Chennai - 06.

3.The Chief Educational Officer,
Kanyakumari,
Kanyakumari District.

4. The Head Mistress,
KDVP Girls Higher Secondary School,
Kottar,
Nagercoil,
Kanyakumari District.

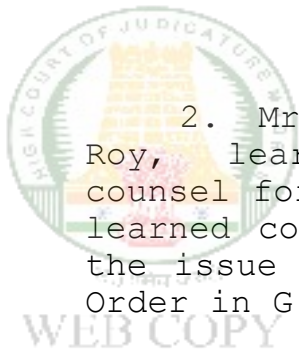
...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in No.P11/3/11119860/ADK, dated 10.03.2017 on the file of the respondent No.1 and the consequential order in Na.Ka.No.51/2017 dated Nil.05.2017, signed on 12.06.2017 on the file of the respondent No.4 and quash the same as illegal and consequently to direct the respondents to provide the Gratuity without any deduction/recovery within the time stipulated by this Court.

For Petitioner	:	Mr.Karthik for Mr.T.Lajapathi Roy
For R1	:	Mr.P.Gunasekaran
For R2 & R3	:	Mr.D.Sadiq Raja Additional Government Pleader

O R D E R

The petitioner has prayed for a writ of Certiorarified Mandamus challenging order of recovery dated 10.03.2017 and consequential order of re-fixation of salary dated Nil/05/2017 signed on 12.06.2017.



2. Mr.Karthik, learned counsel appearing for Mr.T.Lajapathi Roy, learned counsel for the petitioner, Mr.Gunasekaran, learned counsel for the Principal Accountant General/R1 and Mr.D.Sadiq Raja, learned counsel for R2 and R3 would concur upon the position that the issue canvassed by the petitioner stands settled by Government Order in G.O.Ms.No.306, Finance (CMPC) Department dated 12.09.2018.

3. Vide the above Government Order, the benefit of revised scale of pay has been granted to all Vocational Instructors, who were awarded Selection Grade between 01.01.2006 and those awarded Selection Grade on 01.01.2006 to 31.05.2009, irrespective of whether they have filed separate writ petitions seeking such benefit or not.

4. In the present case, the services of the petitioner have been regularized on 06.10.1992 and he had been awarded Selection Grade on 16.10.2002 followed by Special Grade on 16.10.2012.

5. A copy of proceedings in Na.Ka.No.8278/Veel/E1 dated 27.09.2018 is also placed to the effect that G.O.Ms.No.306, Finance (CMPC) Department dated 12.09.2018 is to be given effect to, in respect of eligible candidates.

6. In view of the above discussion, the petitioner herein is entitled to the benefit of the aforesaid Government Order. Impugned order dated 20.03.2017 directing recovery is quashed and as a consequence thereof, order dated Nil. 05.2017 re-fixing the salary *dehors* the benefit of the aforesaid Government Order is also liable to be quashed and I do so.

7. Learned counsel for the petitioner would submit that despite the Government Order has been passed as early as on 12.09.2018 and proceedings aforesaid specifically directing that effect be given to the same, the petitioner languishes for long without such benefits. Let the Government Order be implemented forthwith in the case of the petitioner and the amounts due be quantified and paid over to him within a period of six(6) weeks from today.

8. This Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

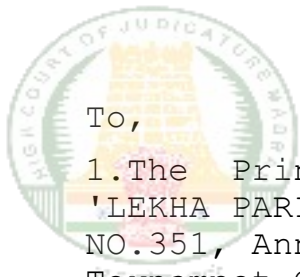
Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar (CS)

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To,

1.The Principal Accountant General (G&SSA),
'LEKHA PARIKSHA BHAVAN''
NO.351, Anna Salai,
Teynampet, Chennai - 600 018.

2.The Joint Director (Vocational) of School Education,
College Road, Chennai - 06.

3.The Chief Educational Officer,
Kanyakumari, Kanyakumari District.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-34701[F]
dated 17/11/2021)

+1 CC to M/s.SPL GP (SR-34779[F] dated 17/11/2021)

W.P.(MD) No.621 of 2018
and WMP (MD) Nos.5406, 651 and 652 of 2018
16.11.2021

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