



WP.Nos.2765, 2767 & 2770/2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WP.Nos.2765, 2767 & 2770/2019

C.Nagaraj

... Petitioner in
WP.No.2765/2019

S.Rani

... Petitioner in
WP.No.2767/2019

P.M.Balasubramani

... Petitioner in
WP.No.2770/2019

Vs

1.The Director of School Education,
DPI Compound, Nungambakkam
Chennai – 6.

2.The Joint Director of School Education
DPI Compound, Nungambakkam
Chennai – 6.

3.The Chief Educational Officer
Vellore, Vellore District.

4.The District Educational Officer
Tirupathur, Vellore District.

... Respondents
in all Writ Petitions



WP.Nos.2765, 2767 & 2770/2019

Common Prayer: Writ Petitions filed Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to revise the petitioners' scale of pay with effect from 01.01.2006 in the light of G.O.Ms.No.240, Finance [Pay Cell] Department dated 22.07.2013 within a stipulated time as may be fixed by this Court.

For Petitioners in all
Writ Petitions : Mr.J.Muthukumaran for
Mr.J.Thirupathi

For RR 1 to 4 in
all Writ Petitions : Mr.U.M.Ravichandran
Special Govt. Pleader

COMMON ORDER

- (1) Since the issue raised in these writ petitions is one and the same, with the consent of the learned counsel appearing on both sides, all the writ petitions were heard together and are disposed of by this common order.
- (2) These petitioners were initially appointed and working as Secondary Grade Teachers at various schools at the respondents Department.



WP.Nos.2765, 2767 & 2770/2019

- (3) During the period they were working as Secondary Grade Teachers, their pay has been fixed as per the extend Rules which were available at that time. Subsequently, based on the qualification they acquired, they were given further promotion to the post of B.T.Assistants pursuant to which they have been conferred with the status of selection grade. Insofar as their pay fixation is concerned, they have got some grievance.
- (4) In this context, they submitted that their pay which was originally fixed in the year 2006 as per their willingness or option is detrimental to the interest of the petitioners because their grade pay can be refixed with effect from 01.01.2006 on the basis of re-option which they have given by making representations on 09.10.2013, 08.30.2016 and 23.03.2018 respectively. Despite these representations having been given requesting the respondents to refix their pay as per the relevant Government Orders, i.e., G.O.Ms.Nos.237 and 240 dated 22.07.2013 and 22.07.2014 respectively, those representations since have not been considered by the respondents Department, the petitioners have approached this



WP.Nos.2765, 2767 & 2770/2019

Court by filing the present writ petitions with the aforestated prayer.

(5)

Reiterating the aforestated, the learned counsel for the petitioners submitted that if a direction is given to the respondents in these writ petitions to consider the respective representations submitted by these petitioners and decide the same on merits and in accordance with law within a time frame that may be stipulated by this Court, the petitioners would be satisfied.

(6)

Heard the learned Special Government Pleader appearing for the respondents who would submit that based on their earlier option given by the petitioners, their pay has already been fixed. However, now only after several years they have given their re-option, whether this re-option would be accepted or not can be decided based on the import of the relevant Government Orders and accordingly, in this regard, respective representations submitted by the petitioners would be considered and decided on merits within a time frame.

(7)

Considering the limited scope of the prayer sought for in these writ petitions and having regard to the said statements made by the learned counsel for both sides, where they wanted the respondents to



WP.Nos.2765, 2767 & 2770/2019

consider their respective representations for refixation of their pay based on the relevant Government Orders, this Court feels that a direction can be given to the respondents.

- (8) In that view of the matter, these writ petitions are disposed of with the following order that, there shall be a direction to the respondents, especially, the Chief Educational Officer concerned, namely, the 3rd respondent herein, to consider the representations given by these petitioners which seems to have been pending with the concerned Headmasters of the schools where these petitioners are working and also the petitioners can forward a copy of these representations along with a copy of this order to the 3rd respondent, and on receipt of the same, the 3rd respondent can either decide the said representations on merit or forward the same for appropriate action to dispose of the said representations on merits to the respondents 2 and 1 respectively and accordingly, these representations shall be disposed of based on the relevant Government Orders at the earliest preferably within a period of twelve weeks from the date of receipt of a copy of this order.



WP.Nos.2765, 2767 & 2770/2019

(9) With these directions, the writ petitions stand **disposed of**. No costs.

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02.09.2022

AP

Internet : Yes

To

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Chennai – 6.

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WP.Nos.2765, 2767 & 2770/2019

R.SURESH KUMAR, J.

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WP.Nos.2765, 2767 & 2770/2019

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