



1IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18426 of 2014

and

M.P.No.2 of 2014

S.Muniasamy Rao

...Petitioner

-Vs-

1.The Accounts Officer,
O/o The Principal Accountant General,
(Accounts & Entitlement - Tamil Nadu)
381, Anna Salai,
Chennai - 600 018.

2.Chief Educational Officer,
Villupuram District,
Villupuram.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 05.06.2013 in Ref.Pen 11/2/31101261/RN/12-13 passed by the 1st respondent and quash the same and consequently direct the respondent authorities to grant the special grade pay of Rs.6600/- and additional increment of 3% by invoking the provisions of the letter dated 08.11.2010 issued by the Government of Tamil Nadu.

For Petitioner :Mr.A.V.Raja

For R1 :Mr.S.Mahesh
for Mr.V.Vijay Shankar

For R2 :Mrs.S.Anitha,
Special Government Pleader



ORDER

The order passed by the 1st respondent/Accountant General of Tamil Nadu in proceedings dated 05.06.2013 with reference to the fixation of pay of the writ petitioner is under challenge in the present writ petition.

2. The petitioner was appointed as PG Assistant in Commerce in the Government Higher Secondary School. He was promoted as Selection Grade Higher Secondary School Head Master and his scale was fixed as 15600-39100 by the District Educational Officer, Tindivanam, in the proceedings dated 28.08.2009. The petitioner was awarded a grade pay of Rs.5,700/- per month. The petitioner retired as Head Master on 31.10.2009 and he is now receiving pension.

3. The grievance of the petitioner is that the selection grade pay, as per G.O.Ms.No.23, dated 12.01.2011, was not granted in favour of the petitioner, despite the fact that the said revision of pay was recommended by the Chief Educational Officer, Villupuram in proceedings dated 14.09.2012. The Chief Educational Officer sent a proposal for revision of pay of the writ petitioner in the post of Selection Grade Head Master. The said proposal was considered by the Principal Accountant General of Tamil Nadu, as the writ petitioner is a pensioner. The 1st respondent on scrutiny found that the petitioner was awarded selection grade in the post of Higher Secondary School Head Master on 26.07.2006. The pre-revised pay has been taken for pay fixation as per G.O.Ms.No.23. As per G.O.Ms.No.23, the grade pay for ordinary Higher Secondary School Head Master is Rs.5,700/- and therefore, the petitioner is eligible for the said grade pay. Thereafter, as per the revision of pay effected in G.O.Ms.No.234, the same grade pay was admitted to the pre-revised scale of Rs.9100-275-14050. Thus, the Accountant General found that the said revision was given effect to in the case of the writ petitioner and thus, there is no need to revise the pension any further, as per G.O.Ms.No.23.

4. The correctness of the fixation of pay was verified by the Accountant General of Tamil Nadu with reference to the revision of scale of pay effected in various Government Orders. On the basis of G.O.Ms.No.23 and by considering the subsequent revision issued in G.O.Ms.No.234, the 1st respondent has arrived at a conclusion that the revision has already been effected and therefore, there is no need for further revision and accordingly, the proposal submitted by the Chief Educational Officer was found to be erroneous and not in consonance with the



Government Order issued by the Government.

5. This being the factum, the petitioner has not established any acceptable ground for the purpose of interfering with the order passed by the 1st respondent. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

hvk

To

1.The Accounts Officer,
O/o The Principal Accountant General,
(Accounts & Entitlement - Tamil Nadu)
381, Anna Salai,
Chennai - 600 018.

2.Chief Educational Officer,
Villupuram District,
Villupuram.

+1cc to Mr.V.Vijay Shankar, Advocate SR.No.38011

+1cc to the Government Pleader SR.No.38848

W.P.No.18426 of 2014

SKM(CO)
CB(08/07/2022)