



W.P.No.34159 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.34159 of 2018

P.Gowri,
Daughter of L.Pannier Chelvam

..Petitioner

Vs.

1. Government of Tamil Nadu,
Rep. by its Secretary,
Higher Education Department,
Fort St.George,
Chennai - 600 009.

2. The Joint Director of School Education (Vocational),
College Road, Chennai - 600 006.

3. The Chief Educational Officer,
Namakkal Chief Educational Office,
Namakkal District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for Writ of Mandamus, directing the respondents to extend the benefit of G.O.(1D).No.327, School Education Department, dated 18.11.2013 to the petitioner, fix his scale of pay at 2000-3500 or the corresponding pay as per the subsequent V pay Commission from the date of regularization of his service in the cadre of Vocational Instructor (Agriculture) with all



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consequential service and monetary benefits by considering the representation dated 22.10.2018.

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For Petitioner : Mr.P.Ganesan
For Respondents : Mr.J.C.Durairaj
Additional Government Pleader

ORDER

The prayer sought for herein is for a writ of mandamus to direct the respondents to extend the benefit of G.O.(1D).No.327, School Education Department, dated 18.11.2013 to the petitioner, fix his scale of pay at 2000-3500 or the corresponding pay as per the subsequent V pay Commission from the date of regularization of his service in the cadre of Vocational Instructor (Agriculture) with all consequential service and monetary benefits by considering the representation dated 22.10.2018.

2. The petitioner was appointed by order dated 19.01.2009 at the respondent Department as Vocational Instructor(Agriculture). His pay was fixed at Rs.5500-175-9000.



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3. However, the grievance of the petitioner is that, as per G.O.(Ms).No.840, School Education Department dated 31.07.1990, for the post of Agricultural Instructors with B.Sc., Agriculture Degree, Instructor (Agriculture), the pay has to be fixed at Rs.2000 -3500 with effect from 01.06.1988 and as per G.O(Ms).No.162, Finance (Pay) Department dated 13.04.1998, the pay should be fixed at Rs.6500-11100/- with effect from 13.04.1998 and as per G.O.(1D.)No.327, School Education Department dated 18.11.2013, those who are having B.Sc.(Agriculture) qualification and working as Vocational Instructors(Agriculture), the pay of Rs.2000-3500 shall be fixed from the date of regularization of their services. Therefore, the pay fixed on the petitioner shall be revised and stepped up and in order to get the said benefit, the petitioner has given a representation on 22.10.2018 and the said representation since has not been considered by the respondents, the petitioner has moved this present writ petition with the aforesaid prayer.

4. Heard Mr.P.Ganesan, learned counsel appearing for the petitioner, who having reiterated the aforesaid would seek indulgence of this Court to issue a direction to the respondents by way of mandamus.



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5. Heard Mr.J.C.Durairaj, learned Additional Government Pleader appearing for the respondents, who would submit that whether the petitioner would be entitled to get such a revision of pay or stepping up of the pay on the extant rules/Government orders would be examined and accordingly orders would be passed disposing the representation of the petitioner dated 22.10.2018 on merits and in accordance with law within a time frame that may be stipulated by this Court.

6. Considering the said submission made by both sides, having regard to the aforesaid facts and also taking note of the innocuous nature of the prayer sought for in this writ petition, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ That there shall be a direction to the respondents to consider the representation of the petitioner dated 22.10.2018 and pass orders thereon on merits and in accordance with law, of-course on the basis of the relevant Government Orders, which have been quoted herein above and any other order or Rule, which are in vogue and communicate the said decision to the petitioner within a period of eight(8) weeks from the date of receipt of a copy of this order.



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WEB COPY With this direction, this writ petition is disposed of accordingly.

No costs.

30.08.2022

(1/2)

Index : Yes/No

Internet: Yes/No

mp

To

1. The Secretary,
Higher Education Department,
Fort St. George,
Chennai - 600 009.
2. The Joint Director of School Education (Vocational),
College Road, Chennai - 600 006.
3. The Chief Educational Officer,
Namakkal Chief Educational Office,
Namakkal District.



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R.SURESH KUMAR.J,

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