



W.P.(MD)No.4713 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

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- 1.R.Rajendran
- 2.L.Sundararaj
- 3.K.Sakthivel
- 4.A.Selvin
- 5.R.Balasubramanian
- 6.L.Natarajan
- 7.A.Kamatchi
- 8.P.Muthurakku
- 9.A.Alagarsamy
- 10.K.Rajaram
- 11.K.S.Muniasamy
- 12.V.Duraipanaidn
- 13.V.Ramar
- 14.C.Govindan
- 15.M.Ramar
- 16.V.Ganesh
- 17.R.Kallanda Perumal
- 18.K.Raghuveer
- 19.S.Balakrishnan
- 20.G.Selvaraj
- 21.S.Joseph Alphonse Raj
- 22.S.Ilangovan
- 23.S.Ponraj Pandian
- 24.M.Thangaraj
- 25.P.V.Dhesini
- 26.A.Rajanayagam
- 27.A.Raveendar



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28.S.Renganathan

29.A.Malliga

... Petitioners

Vs.

1.The Principal Secretary to the Government,
Finance Department,
Fort St. George,
Chennai – 9.

2.The Principal Secretary to the Government,
School Education Department,
Fort St. George,
Chennai – 9.

3.The Director of School Education,
DPI Compound,
College Road,
Chennai – 600 006.

4.The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai -600 006.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.060682/V1/E3/2019 dated 26.11.2019 on the file of the respondent No.4 and quash the same as illegal and consequently for a direction, directing the respondent No.2 to refix the scale of pay of the petitioners at Rs.2000-3500 on par with the scale of pay sanctioned to similarly placed vocational instructors by extending the benefit of Government order in G.O.(1D) No.327 School Education Department dated 18.11.2013 along with consequential



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monetary benefits to the petitioners for the service rendered in the post of Vocational Instructor within the time period stipulated by this Court.

For Petitioner : Mr.J.Aswin Rajasimman for
Mr.T.Lajapathi Roy

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

This writ petition has been filed by the petitioners challenging the impugned order of the fourth respondent dated 26.11.2019 and for a consequential direction to the 2nd respondent to re-fix the scale of pay of the petitioners at Rs.2000-3500 on par with the scale of pay sanctioned to similarly placed Vocational Instructors by extending the benefit of Government Order in G.O.(1D).No.327 School Education Department, dated 18.11.2013, along with consequential monetary benefits to the petitioner for the service rendered in the post of Vocational Instructor within a stipulated period.

2. The case of the petitioners is that they worked as Vocational Instructors in Government Higher Secondary Schools and got retired.



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The grievance of the petitioners is that though they have valid degrees, their pay has been fixed at Rs.1400-2600(under fifth Pay Commission), while so similarly placed persons had been granted higher pay scale of Rs.2000-3500. Aggrieved by the same, one G.Narayanasamy approached the Tribunal and subsequently, the matter went upto the Supreme Court. Subsequently, the Government had issued G.O.(1D) No.327, Education Department, dated 18.11.2013 by offering the benefit of higher pay to the said G.Narayanasamy. According to the petitioners, they are also entitled to the benefit of the above said Government Order. Hence, the petitioners have filed the present writ petitions with the afore said prayer.

3. The learned counsel appearing for the petitioners would submit that this Court may issue a direction to consider the petitioner's representation, dated 18.01.2020 and to extend the benefit of G.O.(1D) No.327 Education Department, dated 18.11.2013.

4. The learned Government Advocate appearing for the respondents would submit that the petitioners have not been appointed in the sanctioned post in the entry level and they were appointed as part



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time Vocational Instructor and subsequently, absorbed in the cadre of B.T. Assistant. They have opted for the revised scale of pay with effect from 01.01.1996 and 01.01.2007 and subsequently, got retired. Thereafter, after a lapse of more than 2½ decades, they made a representation claiming the enhanced pay, which is not sustainable and hence, prayed for dismissal of this writ petition.

5. Heard the learned counsel appearing for the petitioners, the learned Government Advocate appearing for the respondents and perused the materials available on record.

6. Admittedly, the petitioners served as Vocational Instructors in Government Higher Secondary Schools and subsequently, retired. Though they held valid degrees, their pay has been fixed at Rs.1400-2600(under fifth Pay Commission) instead of Rs.2000-3500. It is to be noted here that after a lapse of more than two decades, they filed this writ petition, seeking to enhance the pay scale on par with one G.Narayansamy.



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7. It is seen that the petitioners entered into service only as part time employees and subsequently, their services were regularized and on absorption, they have been brought under time scale of pay. On considering the case of G.Narayanasamy, G.O.(1D)327 School Education Department, dated 18.11.2013 came to be passed. Even thereafter, the petitioners have not taken any steps to secure similar order passed in the case of G.Narayanasamy. However, after retiring from service, even after a lapse of two decades, they made a request to fix the enhanced pay scale. It is settled law that settled things cannot be unsettled. Therefore, the writ petition filed by the petitioner cannot be entertained and the same is liable to be dismissed on the ground of delay and laches.

8. In the result, this writ petition is dismissed. No Costs.

14.12.2022

RR



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To

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3. The Director of School Education,
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M.DHANDAPANI,J.

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