



W.P.(MD)No.5885 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.5885 of 2020

1.G.John Victor,
2.M.Shanthi
3.S.K.Padma
4.R.S.Ramathilagam
5.R.Kennedy
6.K.Anbarasu
7.K.Prabakaran
8.S.Thirunavukkarasu
9.G.Basil Ananda Arockiaraj
10.G.Manimozhi
11.V.Subramnian
12.N.Rajavathy
13.G.Masilamani

... Petitioner

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.



W.P.(MD)No.5885 of 2020

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 declaration to declare the denial of re-fixation of the scale of pay for the Vocational Instructors (other than Agriculture) at Rs.2000-3500 as illegal and consequently for a direction, directing the respondents 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 (Agriculture) 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 the time period stipulated by this Court.

For Petitioner	: Mr.J.Aswin Rajasimman for Mr.T.Lajapathi Roy
For Respondents	: Mr.S.Saji Bino, Special Government Pleader



W.P.(MD)No.5885 of 2020

ORDER

WEB COPY

This writ petition has been filed by the petitioner to declare the denial of re-fixation of the scale of pay for the Vocational Instructors (other than Agriculture) at Rs.2000-3500 as illegal and consequently, to direct the respondents 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 (Agriculture) 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. The grievance of the petitioners is that though they are all holding valid degrees, their pay has been fixed at Rs.1400-2600(under fifth Pay Commission), but 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



W.P.(MD)No.5885 of 2020

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 Special Government Pleader 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 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 2 ½ decades, they have made a



W.P.(MD)No.5885 of 2020

representation claiming the enhanced pay, which is not sustainable. In a catena of decision, it is settled law that one settled thing cannot be unsettled after a lapse of time. In the present case, after a lapse of two decades, the petitioners are claiming the enhanced pay, which is not sustainable one and hence, prayed for dismissal of this writ petition.

5. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents and perused the materials produced before this Court.

6. Admittedly, the petitioners worked as Vocational Instructors in Government Higher Secondary Schools and got retired. Though they are all holding valid degrees, their pay has been fixed at Rs.1400-2600(under fifth Pay Commission) instead of Rs.2000-3500. Hence, after a lapse of more than two decades, they have filed this writ petition, seeking to enhance the pay scale on par with one G.Narayansamy.

7. However, the petitioners entered into service only as part time employees and subsequently, their services were regularized and on the



W.P.(MD)No.5885 of 2020

WEB COPY

date of absorption they have also accepted for the fixation of scaly of pay. Even the case of said G.Narayanasamy came to conclusion in the year 2013 by issuing G.O.(1D)327 School Education Department, dated 18.11.2013. 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 have made a request to fix the enhanced pay scale. It is well settled law that a settled thing cannot be unsettled after a lapse of long time. Therefore, the writ petition filed by the petitioner cannot be entertained on the ground of delay laches.

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

08.12.2022

pm
Index:Yes/No



W.P.(MD)No.5885 of 2020

To

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.



WEB COPY



W.P.(MD)No.5885 of 2020

M.DHANDAPANI,J.

pm

W.P.(MD)No.5885 of 2020

08.12.2022