



W.P.(MD) No.5482 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.5482 of 2018

P.Chellappa

... Petitioner

Vs.

1.State of Tamil Nadu,
rep. by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai – 9.

2.The Director of Elementary Education,
DPI Campus,
College Road,
Chennai – 6.

3.The District Elementary Educational Officer,
Sivagangai,
Sivagangai District.

4.The Assistant Elementary Educational Officer,
O/o. The Assistant Elementary Educational Officer,
S.Pudur – 630 410,
Sivagangai District.

... Respondents



W.P.(MD) No.5482 of 2018

WEB COPY

PRAYER : Writ petition 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 O.Mu.No.390/A1/2017, dated 07.02.2018, on the file of the Respondent No.4 and quash the same as illegal and consequently for a direction, directing the Respondents to grant Selection Grade to the Petitioner in the post of B.T. Assistants in the Pay Scale of Rs.15600-39100 + 5400 with effect from 05.02.2017 by counting the service rendered by him in lower post i.e. Post of Secondary Grade Teacher as per the Government Order in G.O.Ms.No.210, Personnel and Administrative Reforms (Per.S) Department and the clarification Letter in Letter No.168/S/98, dated 28.09.1999, issued by the Secretary to the Government, Personnel & Administrative Reforms Department and to provide all the consequential benefits to the petitioner, within the time period stipulated by this Court.

For Petitioner : Mr.Aswin Rajasimman for
M/s.T.Lajapathi Roy
For Respondents : Mr.A.Kannan
Additional Government Pleader



W.P.(MD) No.5482 of 2018

WEB COPY

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2. The petitioner's claim for grant of Selection Grade pay in the post of B.T. Assistant by counting his services rendered in the earlier post of Secondary Grade Teacher came to be rejected through the impugned proceedings of the fourth respondent herein, dated 07.02.2018, predominantly on two grounds. Firstly, that the Government Orders relied upon by the petitioner for revision of pay scales relate to the Fourth Pay Commission and therefore, not applicable to the petitioner. Secondly, that the ordinary pay scale for Secondary Grade Teacher and the B.T. Assistant are not one and the same, which is contrary to G.O.Ms.No.210, Personnel and Administrative Reforms (Per.S) Department, dated 11.03.1987.

3. Both the reasons assigned by the fourth respondent herein cannot be sustained. Firstly, G.O.Ms.No.210, dated 11.03.1987, orders that the service



W.P.(MD) No.5482 of 2018

WEB COPY

in the Selection Grade of the lower post shall be counted for the Selection Grade in the promoted post, provided that the pay scale in the Selection Grade of lower post is identical to the pay scale of the ordinary grade of the higher post. There is no reference in this Government Order with regard to the applicability of this order only for the fourth pay commission. As a matter of fact, when the subsequent Government Order in G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009, was passed accepting the recommendations of the Finance Committee on revision of pay scales for the Sixth Pay Commission, it was ordered therein, that the existing scheme of Selection Grade / Special Grade shall be continued in the revised pay scales of the employees. Thus, the first reason assigned by the fourth respondent herein that the Government Orders relied upon by the petitioner would be applicable only to the Fourth Pay Commission, may not be sustainable.

4. Insofar as the second reason is concerned, the fourth respondent seems to have been erroneously made a comparison between the ordinary scale of the petitioner as a Secondary Grade Teacher and the ordinary scale of pay as a B.T. Assistant, which is contrary to G.O.Ms.No.210, Personnel and



W.P.(MD) No.5482 of 2018

WEB C

Administrative Reforms (Per.S) Department, dated 11.03.1987. As per the Government Order, the comparison requires to be made between the scale of pay in the Selection Grade pay of the lower post and the ordinary grade of the higher post. If such a comparison is made, both the pay scale of the petitioner in the Secondary Grade Teacher (Selection Grade) and the ordinary scale of pay of B.T.Assistant would be Rs.9,300-13,800, which is identical and in confirmity with G.O.Ms.No.210, Personnel and Administrative Reforms (Per.S) Department, dated 11.03.1987. Thus, both the reasons assigned by the fourth respondent herein in the impugned proceedings cannot be sustained.

5. Accordingly, the impugned order passed in O.Mu.No.390/A1/2017, dated 07.02.2018, on the file of the fourth respondent is hereby quashed. Consequently, there shall be a direction to the fourth respondent herein to pass appropriate orders, granting Selection Grade to the petitioner in the post of B.T. Assistant in the pay scale of Rs.15600 – 39100 + 5400 and thereby revise the petitioner's pay scale by counting the services rendered by him in the lower post of Secondary Grade Teacher, in accordance with G.O.Ms.No.210, Personnel and Administrative Reforms (Per.S) Department, dated 11.03.1987



W.P.(MD) No.5482 of 2018

WEB COPY

and in the light of the findings of this order, within a period of six (6) weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands allowed. No costs.

22.07.2022

Index : Yes / No

Speaking Order/ Non Speaking Order

TM

To

- 1.The Principal Secretary,
Department of School Education,
Fort St. George,
Chennai – 9.
- 2.The Director of Elementary Education,
DPI Campus,
College Road,
Chennai – 6.
- 3.The District Elementary Educational Officer,
Sivagangai,
Sivagangai District.
- 4.The Assistant Elementary Educational Officer,
O/o. The Assistant Elementary Educational Officer,
S.Pudur – 630 410,
Sivagangai District.

6/7



WEB COPY



W.P.(MD) No.5482 of 2018

M.S.RAMESH,J.

TM

W.P.(MD) No.5482 of 2018

22.07.2022