



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.03.2022
CORAM

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THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P. (MD)No.19214 of 2016

and

W.M.P. (MD)Nos.13870 and
13871 of 2016

V.Jeyaraj ... Petitioner

vs.

1.The State of Tamil Nadu,
represented by its Principal Secretary,
Finance (CMPC) Department,
Fort.St.George, Chennai -600 009.

2.The Director of School Education,
College Road, Chennai- 06.

3.The Joint Director (Vocational) of School Education,
College Road, Chennai-06.

4.The Chief Educational Officer,
Madurai, Madurai District.

5.The Head Master,
Government Higher Secondary School,
M.Kallupatti, Madurai District.

6.The Principal Accountant General (G&SSA),
"LEKHA PARIKSHA BHAVAN",
No.361, Anna Salai, Teynampet,
Chennai - 600 018.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Letter No.66858/CMPC/2013-2, dated 22.08.2014, on the file of the Respondent No.1 and to quash the same as illegal and consequently to direct the respondents to provide the pension benefits with the Selection Grade Scale of Pay of Rs.15600-39100+5400 to the petitioner within the time stipulated by this Court.



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For Petitioner : Mr.G.Karthik
for Mr.T.Lajapathi Roy

For R1 : M/s.D.Farjana Ghoushia
Special Government Pleader

For R2 to R5 : Mr.V.Om Prakash
Government Advocate (Civil side)

For R6 : Mr.P.Gunasekaran

ORDER

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order in Letter No.66858/CMPC/2013-2, dated 22.08.2014 and consequently to direct the respondents to provide the pension benefits with the Selection Grade Scale of Pay of Rs.15600-39100+5400 to the petitioner within the time stipulated by this Court.

2. The similar issue came up before this Court in W.P.(MD) No.2654 of 2018 and batch and this Court passed an order stating that Selection Grade to Vocational Instructor are intended to be paid Selection Grade scale of pay Rs.15600-39100 +GP 5400 admissible with monetary benefits from 01.04.2013. Based on this order, the Government has passed a G.O.Ms.No.306, Finance (CMPC), Department, dated 12.09.2018, where the said petitioners were refixed with the scale of pay. It has been stated in G.O. in Paragraph No.8 that the above order shall be applicable to all the Vocational Instructors who were awarded Selection Grade prior to 01.01.2006 and those who awarded on 01.01.2006 and 31.05.2009 and opted for the revised scales of pay on that date irrespective of the fact as to whether they filed separate Writ Petitions or not. In Paragraph No.9, it has been stated that the arrears of pay and allowances shall be drawn and paid to the individuals with respect from 01.04.2013, as per orders in force. Based on this writ petition order passed in W.P.(MD)No.2654 of 2018 and batch and the said G.O.Ms.No.306, the petitioner was already paid and the respondents circulated the service book to substantiate this fact. However the petitioner was not able to ascertain this fact. Therefore this Court is of the considered view, if the petitioner is not paid as stated supra, the respondents are directed to pay the amount within a period of 4 weeks from the date of receipt of a copy of the order. If already paid the respondents shall intimate the details of payment to the petitioner.



3. With this direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Tmg

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The Principal Secretary,
Finance (CMPC) Department,
Fort.St.George, Chennai -600 009.

2.The Director of School Education,
College Road, Chennai- 06.

3.The Joint Director (Vocational) of School Education,
College Road, Chennai-06.

4.The Chief Educational Officer,
Madurai, Madurai District.

5.The Head Master,
Government Higher Secondary School,
M.Kallupatti, Madurai District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-11137[F] dated 10/03/2022)

+1 CC to M/s.SPL GP (SR-11155[F] dated 10/03/2022)

W.P. (MD) No.19214 of 2016

09.03.2022

SS/25.03.2022 : 3P/8C