



WEB COPY



W.P.No.28341 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.28341 of 2015
and M.P.No.1 of 2015

P.Rajagopal

...Petitioner

-Vs-

1. The Government of Tamil Nadu,
Rep. by Principal Secretary to Government,
School Education Department,
Secretariat, Chennai – 600 009.

2. The Director of School Education,
Chennai – 600 006.

3. The Chief Educational Officer,
Ariyalur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the orders in (1) Pro.Na.Ka.No.6101/A3/2012 dated 07.06.2013 of the third respondent (2) Pro.Na.Ka.No.73012/E1/2014 dated 22.09.2012 of the second respondent (3) letter No.36309/SE1(1)/2014-2, School Education Department, dated 20.05.2015 of the first respondent and quash the same and to issue consequential directions to the respondents to refix the pay of the petitioner taking into account the personal pay of Rs.600/- drawn in the post of Higher Secondary School Head Master and to revise his



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pensionary benefits on that basis and disburse all consequential monetary benefits with interest within a time frame.

For Petitioner : Mr.S.Balakrishnan
For Mr.M.Ravi

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the orders in

(1) Pro.Na.Ka.No.6101/A3/2012 dated 07.06.2013 of the third respondent (2) Pro.Na.Ka.No.73012/E1/2014 dated 22.09.2012 of the second respondent (3) letter No.36309/SE1(1)/2014-2, School Education Department, dated 20.05.2015 of the first respondent, thereby rejecting the claim of the petitioner to add the personal pay of Rs.600/- in his salary.

2. The petitioner joined service as B.T. Assistant in Government High School on 24.02.1986. Thereafter he was promoted as High School Head Master on 03.02.2005 and he joined in the said post on 08.02.2005. Thereafter he was retired from service on attainment of superannuation on 31.02.2011. While he was promoted as High School Headmaster, he opted to fix his salary after getting increment due on 01.07.2005 and accordingly his pay was fixed at Rs.9300 + PP Rs.500 in



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the time scale of Rs.6500-200-10500 with effect from 01.07.2005. The petitioner's pay was fixed in the post of School Headmaster in the selection grade scale of pay was fixed as Rs.9375 + PP Rs.125 and personal pay of Rs.500/- with effect from 08.03.2006 in the scale of pay of Rs.8000-275-13500.

3. Thereafter, the petitioner was promoted as Higher Secondary School Headmaster and he joined in the said post on 27.08.2008. His salary was fixed at Rs.10475 + PP 125 and personal pay of Rs.600/- with effect from 27.08.2008 in the time scale of pay of Rs.8000-275-13500.

4. In the mean time, the Government revised the Scales of Pay from 01.01.2006 with monetary effect from 01.01.2007 as per G.O.Ms.No.234, Finance (PC) Department dated 01.06.2009. When the petitioner was promoted as Higher Secondary School Headmaster from 27.08.2008, he was drawn personal pay of Rs.600/- per month. While fixing the salary he was given 3% increment with effect from 27.08.2008. However his personal pay of Rs.600/- was not added to his salary. Therefore, The petitioner has sent a representation to add the personal pay of Rs.600/- to his salary. However, the said request was rejected on



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the ground that he is not entitled to get personal pay of Rs.600/-. Hence, the petitioner filed this present Writ Petition.

5. Heard the learned counsel appearing on either side and perused the records.

6. The third respondent filed counter and it revealed that in the case of those who have been promoted as Headmaster after 01.01.2006, but opted to come over the revised scales of pay from 01.01.2006 itself and further clarified that in such cases, the pay has to be fixed in the promotion post of the lower post and the difference in the grade pay and the personal pay added to the revised basic pay drawn by them without multiplying the factor by 1.86. Subsequently, it is also clarified that the individuals promoted as Headmasters of High Schools on or after 01.06.2009 are not entitled for the personal pay in the revised pay structure.

7. On perusal of the letter dated 29.07.2011, with regard to fixation of pay in respect of the post of Headmasters of High School and Higher Secondary Schools in the Revised Scales of Pay, 2009, it is clarified that in the case of those who have been promoted as Headmaster



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after 01.01.2006 but opted to come over to the revised scales of pay from 01.01.2006 itself. It is further clarified that in such cases, the pay has to be fixed in the promotion post of Headmaster by giving 3% increment on the basic pay (Pay+Grade pay) drawn by them without multiplying the factor by 1.86.

8. In fact, the similarly placed Higher Secondary School Headmaster, who retired on 30.04.2009, was paid personal pay of Rs.600/- and fixed his pay as per the clarification given in the letter dated 29.07.2011. However, the request of the petitioner was rejected though he was promoted as Higher Secondary School Headmaster on 27.08.2008 itself. Therefore, the respondents ought not to have rejected the claim of the petitioner, as such the impugned orders cannot be sustained.

9. Accordingly, the orders in (1) Pro.Na.Ka.No.6101/A3/2012 dated 07.06.2013 of the third respondent (2) Pro.Na.Ka.No.73012/E1/2014 dated 22.09.2012 of the second respondent (3) letter No.36309/SE1(1)/2014-2, School Education Department, dated 20.05.2015 of the first respondent, are hereby set aside. The respondents are directed to refix the salary of the petitioner in the post of Higher



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Secondary School Headmaster with effect from 27.08.2008, by taking into account the personal pay of Rs.600/- drawn in the post of Higher Secondary School Headmaster and re-fix his pensionary benefits accordingly and disburse all monetary benefits, within a period of six weeks from the date of receipt of a copy of this Order.

10. With the above directions, the Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to cost.

03.07.2023

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
rts



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To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai – 600 009.
2. The Director of School Education,
Chennai – 600 006.
3. The Chief Educational Officer,
Ariyalur.



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G.K.ILANTHIRAIYAN. J.

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