



W.P. No. 33357 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Writ Petition No.33357 of 2015
and M.P.Nos.1 and 2 of 2015

R.Rengaraj
Petitioner

...

VS.

1.The State of Tamilnadu,
Represented by its Principal Secretary to Government,
Finance Department,
Fort St. George, Chennai-600 009.

2.The State of Tamilnadu,
Represented by Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai-600 009.

3.The Director of School Education,
DPI Complex,
College Road,
Chennai-600 006.

4.The Joint Director of School Education (Vocational),
O/o. the Director of School Education,
DPI Complex, College Road,
Chennai-600 006.

5.The Chief Educational Officer,
O/o.Chief Educational Officer,
Perambalur District,



W.P. No. 33357 of 2015

Perambalur

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6.The Head Master,
Government Boys Higher Secondary School,
Ammapalayam Post-621 101.
Perambalur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to pass a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned Letter issued by the 1st respondent in Letter No. 66858/CMPC/2013-2, dated 22.08.2014 and the consequential recovery order issued by the 6th respondent in circular dated 24.07.2015, quash the same and consequently forbearing the respondents from reducing the existing scale of pay with allowances granted to the petitioner.

For petitioner : Mr.M.Saravana Kumar

For respondents : Mr.M.Rajendran
Addl. Govt Pleader

ORDER

This writ petition has been filed, to call for the records in pursuant to the impugned Letter, issued by the 1st respondent in Letter No. 66858/CMPC/2013-2, dated 22.08.2014 and the consequential recovery order issued by the 6th respondent in circular dated 24.07.2015, quash the



W.P. No. 33357 of 2015

same and consequently, forbear the respondents from reducing the existing scale of pay with allowances, granted to the petitioner.

2.It is the case of the petitioner that he joined the 5th respondent school as Part time Vocational Instructor, in the year 1984 and his services was regularized with effect from 01.04.1990. Since there were no promotional opportunities for the post of Vocational Instructors, after completion of 10 years of service, petitioner is eligible to draw selection grade scale of pay of Rs.15,600 – 39,100/- with grade pay of Rs.5400/-. Accordingly, pay of the writ petitioner was fixed at the grade pay of Rs.5400/-. However, the 1st respondent by letter dated 22.08.2014, restricted the selection grade pay of the petitioner in the post of Vocational Instructors at Rs.9300-34800/- with grade pay of Rs.4800/- and subsequently based on the audit objections, pay fixed to the petitioner was sought to be re-fixed and recovery was also imposed.

3. The learned counsel for the petitioner would submit that the issue regarding granting scale of pay to the selection grade and special grade Vocational Instructor was challenged in W.P.(MD) No.2654, 2924 and 2663



W.P. No. 33357 of 2015

of 2018 dated 19.03.2018 in the case of ***L.Natarajan Vs. The State of Tamilnadu & others*** and this Court has allowed the writ petitions by holding that the selection grade Vocational Instructors are entitled to be paid selection grade of pay Rs.15600-39100 + GP 5400 admissible with monetary benefits from 01.04.2013. Accordingly, the Government has taken the issue into consideration, based on the orders passed by this Court and has passed the G.O.No.306, Finance (CMPC) Department dated 12.09.2018, wherein, it has been stated as follows:-

"7. As there is no promotional avenues for the post of vocational instructors it would not be appropriate to restrict their Selection Grade/ Special Grade scales of pay as that of BT Assistant who are having promotional prospects of elevating to the post of Head Master High School/ Head Master Higher Secondary School/ District Educational Officer in the light of the above facts. The Government has decided to implement the orders of the Madurai Bench of Madras High Court dated 19.03.2018 in W.P.(MD).No.2694, 2924 & 2663 of 2018 and 15980 & 17197 of 2014. Accordingly, the Government direct that the Selection Grade Scale of Pay of Vocational Instructors who were awarded Selection Grade prior to 01.01.2016 and in the case of employees who have



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W.P. No. 33357 of 2015

exercised their opinion to come over to the revised scales of pay on the date of their award of Selection Grade between 01.01.2006 and 31.05.2009 shall be refixed in the scale of pay of Rs.1600-39100 + G.P.5400 notionally with effect from 01.01.2006 on the date of award of Selection Grade in the post of Vocational Instructor with monetary benefits from 01.04.2013.

8. The above orders shall be applicable to all the Vocational Instructors who were awarded Selection Grade prior to 01.01.2006 and those awarded Selection Grade between 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."

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents and also perused the materials available on record.

5. On perusal of the records this court finds that the Government Order in G.O.No.306, *cited supra* shall be applicable to all the Vocational Instructors who were awarded Selection Grade prior to 01.01.2006 and those awarded Selection Grade between 01.01.2006 and 31.05.2009. Further, it



W.P. No. 33357 of 2015

has been held that the revised scale of pay is applicable irrespective of the fact as to whether any persons filing separate writ petitions are not.

6. In view of the above findings, the orders impugned in this Writ Petition are set aside and the Writ Petition stands allowed. The respondents are directed to consider and pass appropriate orders, based on the G.O.Ms.No.306, Finance (CMPC) Department dated 12.09.2018. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Index :Yes/No

12.04.2023

Internet:Yes/No

Speaking order/Non-speaking order

Neutral citation:Yes/No

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To

1.The Principal Secretary to Government,
State of Tamilnadu,
Finance Department,
Fort St. George, Chennai-600 009.

2.The Principal Secretary to Government,
State of Tamilnadu,
School Education Department,



W.P. No. 33357 of 2015

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3.The Director of School Education,
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O/o.the Director of School Education,
DP Complex, College Road,
Chennai-600 006.

5.The Chief Educational Officer,
O/o.Chief Educational Officer,
Perambalur District,
Perambalur

6.The Head Master,
Government Boys Higher Secondary School,
Ammapalayam Post-621101
Perambalur District.



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W.P. No. 33357 of 2015

J.NISHA BANU, J.

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ORDER MADE IN
W.P No. 33357 of 2015

12.04.2023