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W.P. No. 6481 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Writ Petition No. 6481 of 2013
and W.M.P. Nos. 1 & 2 of 2013

M.Ramasamy

... Petitioner

vs.

1.The Government of Tamilnadu,
Represented by its Secretary to Government,
Finance (pay cell) Department,
Fort St. George, Chennai-600 009.

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

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

4. The Chief Educational Officer,
Erode district, Erode.

5. The District Educational Officer,
Erode district, Erode.

6. The Head Master,
Government Higher Secondary School,
Bungolow Pudur, Gobi Taluk,
Erode District

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, to pass a Writ of Certiorarified Mandamus, to call for the records of the 6th respondent in proceedings Na.ka.No.198/2012 dated 07.01.2013 and quash the same and issue a consequential direction to the respondents to continue to pay the selection grade scale of pay of the petitioner in the pay band of Rs.15600-39100+ Grade pay 5400, with notional effect from 01.01.2006 and monetary benefit from 01.01.2011 as fixed in the proceedings of the 6th respondent in proceedings Na.ka.No.64/2011 dated 16.05.2011 with all benefits.

For petitioner : Mr. R.Saseetharan

For respondents : Mr.U.M.Ravichandran
Special Govt Pleader

ORDER

This writ petition has been filed, to call for the records in pursuant to the proceedings, dated 07.01.2013 by 6th respondent Na.ka.No.198/2012 and quash the same and issue a consequential direction to the respondents to continue to pay the selection grade scale of pay of the petitioner in the pay band of Rs.15600-39100+ Grade pay 5400, with notional effect from



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01.01.2006 and monetary benefit from 01.01.2011 as fixed in the proceedings of the 6th respondent in proceedings Na.ka.No.64/2011 dated 16.05.2011 with all benefits.

2.It is the case of the petitioner that he joined the 6th respondent school as Part time Vocational Instructor, in the year 1986 and his services was regularized with effect from 23.09.1994. Since there were no promotional opportunities for the post of Vocational Instructors, petitioner is eligible to draw selection grade scale of pay of Rs.15,600 – 39,100/- with grade pay of Rs.5400/-, after completion of 10 years of service. Accordingly, pay of the writ petitioner was fixed at the grade pay of Rs.5400/-. However, the 6th respondent by letter dated 07.01.2003, 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. This Court considered the subsequent G.O. No.306, Finance (CMPC) Department dated 12.09.2018 that the issue regarding granting



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scale of pay to the selection grade and special grade Vocational Instructor was challenged in W.P.(MD) No.2654, 2924 and 2663 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 selection grade Vocational Instructor 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 that the Vocational Instructors are eligible for the same payment and it has also been held 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



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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 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



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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 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

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Internet:Yes/No

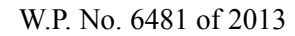
Speaking order/Non-speaking order

Neutral citation:Yes/No

Jer/nvsri

To

1. The Secretary of Government
Government of Tamilnadu,
Finance (pay cell) Department,
Fort St. George, Chennai-600 009.



6. The Head Master,
Government Higher Secondary School,
Bungolow Pudur, Gobi Taluk,
Erode District



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J.NISHA BANU, J.

Jer

ORDER MADE IN
W.P No. 6481 of 2013
in W.M.P. Nos. 1 & 2 of 2013

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