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W.P.Nos.17883 to 17887 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.17883 of 2018 and W.M.P.No.21176 of 2018;
W.P.No.17884 of 2018 & W.M.P.No.21178 of 2018;
W.P.No.17885 of 2018 and W.M.P.No.21180 of 2018;
W.P.Nos.17886 and 17887 of 2018 &
W.M.P.Nos.21182 and 21184 of 2018

W.P.No.17883 of 2018

S.N.Janardhanan

... Petitioner

Vs.

1. The Principal Secretary,
School Education Department,
Government of Tamil Nadu
Fort St., George,
Chennai – 600 009
2. The Director of School Education,
College Road,
Chennai – 600 006
3. The Joint Director of School Education (Vocational)
College Road,
Chennai – 600 006
4. The Principal Accountant General (A&E)
Tamil Nadu,
No.361, Anna Salai,
Chennai – 600 018
5. The Headmaster
Government Girls Higher Secondary School,
Katpadi, Vellore District

... Respondents



W.P.Nos.17883 to 17887 of 2018

W.P.No.17883 of 2018

Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings of the 5th respondent dated 10.04.2017 in Na.Ka.No.19/17, quash the same and issue a direction directing the respondents to continue to pay the grade pay as Rs.5,400/- with notional effect from 01.01.2006 and monetary effect from 01.01.2011 to the petitioner.

W.P.No.17883 of 2018

For Petitioner : Mr.R.Saravanakumar

For Respondents : Mr.L.S.M.Hasan Fizal for R1 to 3 and 5
Additional Government Pleader
Mr.V.Murali for R4

COMMON ORDER

Since the issues involved in all the petitions are one and the same, they are taken up together and a common order is being passed.

2. The brief facts of the cases are as follows:-

The petitioners were appointed as part time vocational teachers on



W.P.Nos.17883 to 17887 of 2018

07.10.1985; 26.07.1984; 25.09.1987; 18.10.1993 and 10.08.1998

respectively and their services were regularised. Thereafter, the petitioners were brought on time scale of pay with effect from 16.10.1992; 01.04.1990; 23.09.1994; 01.07.1996 and 10.08.1988 respectively vide G.O.No.96 dated 16.10.1992; G.O.Ms.No.712 dated 28.05.1990; G.O.Ms.No.864 dated 23.09.1994; G.O.Ms.No.39 dated 12.02.1999 and G.O.Ms.No.967 dated 16.10.1992 respectively. The Government issued G.O.No.263 dated 22.07.2013 revising the scale of pay for vocational teachers from Rs.9,300/- – Rs.34,800/- +4,400/- to Rs.9,300/- - 34,800/- + 4,600/-. Subsequently, while implementing the VI Pay commission, the Government (Finance Department) issued the letter dated 08.11.2010 fixing selection grade and special grade pay as Rs.15600-39100+5400 and Rs.15600-39100+5700 respectively and this revision was given notional with effect from 01.01.2006 and monetary effect from 01.04.2013. Thus by virtue of G.O.No.263 and the government letter dated 08.11.2010, the petitioners are entitled for selection Grade pay of Rs.5400/- and special grade pay of Rs.5700/-.

(ii) Further, the Government also clarified in its letters dated 27.09.2013 and 31.12.2013 that there is no promotional avenue to the vocational teachers and hence, as per the said G.O., and said letters, the



W.P.Nos.17883 to 17887 of 2018

vocational teachers are eligible to get selection grade of pay. Moreover, some of the vocational teachers, who acquired higher qualification were appointed as P.G.Assistant but that was not by way of promotion but by way of appointment by transfer (vide G.O.No.185 dated 25.08.2008) and hence all the vocational teachers are eligible for selection / special grade pay i.e., 5400/- / Rs.5700/- .

(iii) That apart, the 5th respondent vide proceedings Na.Ka.No.19/17 dated 10.04.2017; 175/2017 dated 22.12.2017; Ka.No.F09/2014 dated 17.03.2014; Na.Ka.No.120/17 dated 15.03.2018 and Na.Ka.No.194/A4/2018 dated 09.02.2018 respectively referring to the Coimbatore Regional Audit's report dated 12.02.2015; 30.11.2017; 03.02.2014; 12.02.2015 and nil respectively had stated that the fixation of grade pay of Rs.5400/- is inadmissible and hence an excess sum of Rs.474786/-; 495364/-; 170200/-; 94827/- and Rs.200941/- respectively had been received by the petitioners as grade pay and based on the said objection, the Headmaster directed the petitioners to repay a sum of Rs.4,74,786/-; Rs.4,95,364/-; Rs.1,70,200/-; Rs.94,827/- and Rs.2,00,941/- respectively. The petitioners were not individually served with any order and no opportunity was given to the petitioners to explain their stand,



W.P.Nos.17883 to 17887 of 2018

hence the impugned order is in violative of principles of natural justice.

Though the petitioners have sent a representation dated 04.06.2018 through registered post for selection grade pay in 15600-39100+GP5400 with notional effect from 01.01.2006 and monetary effect from 01.01.2011, there is no reply from the respondents, hence these Petitions.

3. The learned counsel for the petitioners would submit that the 5th respondent by way of the proceedings has started to recover the grade pay, however, the petitioners were not served with any order by the respondents for the recovery of the grade pay, thereby pleaded to allow the present Petitions.

4. In reply, the learned Additional Government Pleader appearing for the respondents would submit that by virtue of interim stay granted by this Court in the present petitions, as early as on 16.07.2018, the amount has not been recovered. Further, the learned Additional Government Pleader would also submit that as per G.O.Ms.No.306 Finance department dated 12.10.2018, the petitioners in W.P.Nos.17883, 17884 of 2018 are being paid a sum of Rs.5,400/- as Grade Pay from 01.01.2011 to till date and the petitioners in W.P.Nos.17885, 17886 of 2018 are being paid a sum of



W.P.Nos.17883 to 17887 of 2018

Rs.5,400/- as Grade Pay from 01.10.2011 and 01.07.2011 to till date respectively. That apart, since the petitioner in W.P.No.17887 of 2018 was retired on 31.05.2023, the said petitioner was paid a sum of Rs.5,400/- as grade pay from 01.01.2011 to 31.05.2023. In support of his contention, the learned Additional Government Pleader has produced the letters in Na.Ka.No.5221/B3/2019 dated 01.12.2023 and Na.Ka.No.7044/A2/2019 dated 11.12.2023 respectively.

Taking note of the above said submissions made by the learned Additional Government Pleader appearing for the respondents, the present Writ Petitions are disposed of by directing the respondents to continue to pay the Selection Grade Pay / Special Grade Pay to the petitioners subject to the condition that the petitioners complies with all the other requirements. Consequently, connected miscellaneous petitions are closed. No costs.

11.12.2023

Index : yes/no
Internet : yes/no
Speaking order / Non speaking order
ssd

To

1. The Principal Secretary,

6/8



W.P.Nos.17883 to 17887 of 2018

School Education Department,
Government of Tamil Nadu
Fort St., George, Chennai – 600 009

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2. The Director of School Education,
College Road, Chennai – 600 006
3. The Joint Director of School Education (Vocational)
College Road, Chennai – 600 006
4. The Principal Accountant General (A&E)
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V.BHAVANI SUBBAROYAN, J.,

ssd

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