



W.A.No.2234 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2023

CORAM:

THE HONOURABLE Mr.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE Mrs.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.A.No.2234 of 2018

and

C.M.P.No.17747 of 2018

- 1.The Government of Tamil Nadu,
Rep. by Secretary to Government,
Finance Department,
Fort St. George, Chennai – 9.
- 2.The Secretary to Government,
School Education Department,
Fort St. George, Chennai – 9.
- 3.The Director,
State Council for Teacher Education
Research and Training, College Road,
Chennai – 6.
- 4.The Principal,
District Institute of Teacher Education,
Research and Training,
Perundurai, Erode District.

...Appellant

Vs.



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1.A.Arivudhiyappan

2.A.Subramanaian

3.V.R.Murugesan

4.J.Anburaj

5.M.Sekaran

6.K.Sakthivel

7.J.Sumathi

8.A.Vanathi

9.Jennifer Cardoa

10.A.Mathivanan

11.S.Punithavathi

12.J.Rassheeda Begum

13.M.Shalini

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent Act, against the order dated 16.04.2015 made in W.P.No.5470 of 2014.

For Appellants : Mr.G.Nanmaran,
Special Government Pleader

For Respondents : Mr.K.Saseetharan



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J U D G M E N T

(Judgment was made by **R.SUBRAMANIAN, J.**)

The State is on appeal aggrieved by the order of the writ Court allowing the writ petition filed by the respondents 1 to 13 challenging the Government Order in G.O.Ms.No.263, Finance (Pay Cell) Department dated 22.07.2013 and the consequential orders of recovery dated 06.01.2014.

2. All the respondents were working as Lecturers and Senior Lecturers in the District Institute of Teacher Education, Research and Training. They were on a pay scale that was equivalent to PG Assistant and Higher Secondary School Head Master/ District Educational Officer respectively. The Government enhanced the pay scale of the PG Assistants and Higher Secondary School Head Masters/District Educational Officers by G.O.Ms.No.23 dated 12.11.2011 based on the representations of various Teachers' Unions. While doing so, the persons working in District Institute of Education and Training were omitted to be included, though they were on the same pay scale with that of the PG Assistants and Higher Secondary School Head Master/ District Educational Officer.



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3. After various representations were made, the Government eventually issued the impugned Government Order dated 22.07.2013, in and by which, the primary request for enhancement of pay was accepted, but the further direction of the Government to revise the pay scale with effect from 01.01.2006 notionally to give actual monetary benefits from 01.01.2013 resulted in recovery orders being passed against the respondents, since the Principal of the District Institute of Education and Training, Perundurai had, on the assumption that G.O.Ms.No.23 dated 12.01.2011 would apply to them, drawn salary bills on the basis of G.O.Ms.No.23 and had disbursed the salary. This triggered the writ petition by the respondents against whom recovery orders were passed.

4. In the writ petition the basic contention was that the respondents are also discharging similar duties and they were drawing the same pay scale as the PG Teachers and Higher Secondary School Head Masters. Therefore, the benefits of G.O.Ms.No.23 should have been extended to the respondents also from 01.01.2011 as it had been done in the case of other teachers.



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5. The writ petition was resisted by the Government contending that the benefits were extended to them only under G.O.Ms.No.263 and therefore they would be entitled to revision only from 01.01.2013 and not from 01.01.2011.

6. The writ Court did not accept the said contention on the ground that the Pay Grievance Redressal Cell which was constituted under G.O.Ms.No.123, Finance (Pay Cell) Department, dated 10.04.2012 had recommended the case of those like that of the respondents for grant of revised pay scales on par with the scales of pay given to the Higher Secondary School Head Masters/ District Education Officers and PG Assistants. The impugned Government Order viz., G.O.Ms.No.263, Finance (Pay Cell) Department, dated 22.07.2013, which is passed pursuant to G.O.Ms.No.123, Finance (Pay Cell) Department, dated 10.04.2012 cannot prescribe a subsequent date.

7. The writ Court specifically found that the Pay Grievance Redressal Committee found the respondents are similarly placed as that of



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PG Assistants and Higher Secondary School Head Masters/ District Education Officer and they are entitled to the same benefits. Once such recommendation has been made by the Pay Grievance Redressal Cell, the Government cannot issue a Government Order postponing the benefits almost by 2 years, thereby denying the benefits of actual increase to the respondents.

8. The writ Court had found that the respondents and other comparable positions viz., PG Teachers, Higher Secondary School Head Master/ District Education Officer were in the same scale of pay before revision and if the revision is effected and the monetary benefits are given to others from a particular date, the respondents would also be entitled to the same monetary benefits from that date and not from the later date.

9. The learned Special Government Pleader would contend that the respondents belong to a totally different service and are governed different set of Rules, as such they cannot claim parity with PG assistants and Higher Secondary School Headmasters. The Pay Grievance Redressal



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Committee has found that the respondents are entitled to parity with PG Assistants and Higher Secondary School Headmasters and the order impugned also refers to the same. Hence it is not open to the Government to contend otherwise. We are in entire agreement with the view expressed by the writ Court and we do not see any reason to interfere with the order of the writ Court. The writ appeal fails and it is accordingly **dismissed**. No costs. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M., J.) (K.G.T., J.)
08.02.2023

dsa
Index :Yes / No
Internet :Yes / No
Neutral Citation :Yes / No
Speaking order/Non-Speaking order



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To

WEB COPY

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and
K.GOVINDARAJAN THILAKAVADI, J.

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