



W.P.(MD)No.1129 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1129 of 2023

W.M.P(MD).Nos.1046 and 1048 of 2023

G.Murugan

... Petitioner

Vs.

- 1.The Commissioner of School Education,
O/o.The Commissioner of School Education,
College Road,
Chennai.
- 2.The Joint Director of School Education (Personnel)
O/o.The Joint Director of School Education,
Anbalagan Complex,
College Road,
Chennai.
- 3.The Chief Educational Officer,
O/o.Chief Educational Officer,
Collectorate Complex,
Virudhunagar District,
Virudhunagar.
- 4.The Treasury Officer,
O/o.The Treasury Office,
Collectorate Complex,
Virudhunagar District,
Virudhunagar.



W.P.(MD)No.1129 of 2023

WEB COPY

5.The Assistant Treasury Officer,
O/o.The Treasury Office,
Virudhunagar District,
Virudhunagar.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 5th respondent vide his proceedings TK.No.2201006422110025 dated 29.11.2022 and quash the same as illegal.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

This Writ Petition has been filed to call for the records relating to the impugned order passed by the fifth respondent vide proceedings TK.No.2201006422110025, dated 29.11.2022 and quash the same as illegal.



W.P.(MD)No.1129 of 2023

WEB COPY

2. The learned counsel appearing for the petitioner would submit that the petitioner was initially appointed as B.T.Assistant on 17.12.1998 and on 19.10.2012, he was promoted as Headmaster of High School and he was conferred with the personal pay in the year 2012. Thereafter, he was posted as Personal Assistant to the Chief Educational Officer on 05.01.2022. In the cadre of Personal Assistant to the Chief Educational Officer, he was conferred with special pay in terms of the 6th Pay Commission. The Government of Tamil Nadu vide letter dated 18.04.2012 has ordered that the employee working in the cadre of Headmaster of High School with ordinary pay is entitled to get special pay of Rs.750/- (Rupees Seven Hundred and Fifty only) and has clarified that after conferring selection grade and special grade in the same cadre, the special pay would be continued to be paid. On 30.11.2010, the Finance Department of the State Government has also further clarified that the special allowance sanctioned in the Government order is also applicable to the selection grade/special grade holders in the post of Secondary Grade Teachers/Headmaster of High Schools. While he was



W.P.(MD)No.1129 of 2023

receiving the personal pay, he was also conferred with selection grade with effect from 19.10.2022 vide proceedings dated 08.11.2022 of the second respondent herein. While so, the fifth respondent has passed the impugned proceedings dated 29.11.2022, stating that the personal pay is eligible only for ordinary grade headmaster and as the petitioner was conferred with selection grade on 19.10.2022, he is not eligible for personal pay from 19.10.2022. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that before passing the impugned order dated 29.11.2022, the fifth respondent has not provided any opportunity to the petitioner. Therefore, the impugned order is clear violation of the principles of natural justice.

4. The learned Additional Government Pleader appearing for the respondents would submit that presently, revision of pay, allowances, pension and related benefits in respect of the Teachers are governed by G.O.(Ms).No.303, Finance (Pay Cell) Department, dated 11.10.2017. As



W.P.(MD)No.1129 of 2023

per clause 12 of the said Government order, the personal pay was revised and the personal pay is applicable only to the ordinary grade High School Headmaster. Since, the petitioner was conferred with Selection Grade on 19.10.2022, he is not eligible for the personal pay in the light of the said Government Order.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6. Though the learned Additional Government Pleader appearing for the respondents has filed a detailed counter for substantiating the reasons assigned in the impugned order passed by the fifth respondent, the fact remains that before passing the impugned order of cancellation of personal pay, the fifth respondent has not provided any opportunity to the petitioner. Hence, on the sole ground, the impugned order passed by the fifth respondent on 29.11.2022 in TK.No.2201006422110025 is liable to be quashed and accordingly, it is quashed. The matter is remanded back to the fifth respondent for fresh consideration and the



W.P.(MD)No.1129 of 2023

WEB COPY

fifth respondent is directed to hear the petitioner and pass appropriate orders within a period of 12 weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is allowed. No costs.

Connected miscellaneous petitions are closed.

02.02.2023

ssb

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To

1.The Commissioner of School Education,
O/o.The Commissioner of School Education,
College Road,
Chennai.

2.The Joint Director of School Education (Personnel)
O/o.The Joint Director of School Education,
Anbalagan Complex,
College Road,
Chennai.

6/8



W.P.(MD)No.1129 of 2023

WEB COPY

3.The Chief Educational Officer,
O/o.Chief Educational Officer,
Collectorate Complex,
Virudhunagar District,
Virudhunagar.

4.The Treasury Officer,
O/o.The Treasury Office,
Collectorate Complex,
Virudhunagar District,
Virudhunagar.

5.The Assistant Treasury Officer,
O/o.The Treasury Office,
Virudhunagar District,
Virudhunagar.



WEB COPY



W.P.(MD)No.1129 of 2023

M.DHANDAPANI,J.

ssb

W.P.(MD)No.1129 of 2023

02.02.2023