



W.P.(MD)No.4653 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4653 of 2020

1.S.Pitchumani
2.B.Karnan
3.M.Manimaran

... Petitioners

Vs.

1.The Principal Secretary to the Government,
Finance Department,
Fort St. George,
Chennai – 9.

2.The Principal Secretary to the Government,
School Education Department,
Fort St. George,
Chennai – 9.

3.The Director of School Education,
DPI Compound,
College Road,
Chennai – 600 006.

4.The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai -600 006.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order in Na.Ka.No.098842/V1/E3/2019 dated 25.10.2019 on the file of the third respondent, quash the same as illegal and consequently for a direction, directing the second respondent to re-fix the scale of pay of the petitioners at Rs.2000-3500 on par with the scale of pay sanctioned to similarly placed Vocational Instructors by extending the benefit of Government Order in G.O.(1D).No.327, School Education Department, dated 18.11.2013 along with consequential monetary benefits to the petitioner for the service rendered in the post of Vocational Instructor within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.J.Ashok,
Additional Government Pleader

ORDER

This writ petition has been filed by the petitioner to call for the records pertaining to the impugned order in Na.Ka.No. 098842/V1/E3/2019 dated 25.10.2019, issued by the third respondent, quash the same as illegal and and consequently, to direct the second respondent to re-fix the scale of pay of the petitioners at Rs.2000-3500



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on par with the scale of pay sanctioned to similarly placed Vocational Instructors by extending the benefit of Government Order in G.O.(1D).No.327 School Education Department, dated 18.11.2013, along with consequential monetary benefits to the petitioner for the service rendered in the post of Vocational Instructor within a stipulated period.

2. The case of the petitioners is that they worked as Vocational Instructors in Government Higher Secondary Schools. The grievance of the petitioners is that though they are all holding valid degrees, their pay has been fixed at Rs.1400-2600(under fifth Pay Commission), but similarly placed persons had been granted higher pay scale of Rs.2000-3500. Aggrieved by the same, one G.Narayanasamy approached the Tribunal and subsequently, the matter went upto the Supreme Court. Subsequently, the Government had issued G.O.(1D) No.327, Education Department, dated 18.11.2013 by offering the benefit of higher pay to the said G.Narayanasamy. According to the petitioners, they are also entitled to the benefit of the above said Government Order. Hence, the petitioners have filed the present writ petition with the afore said prayer.



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

4. The issue involved in this writ petition is squarely covered by the decision of this Court in the case of ***G.John Victor and others vs. The Principal Secretary to the Government, Finance Department, Fort St. George, Chennai – 9 and others*** in ***W.P.(MD)No.5885 of 2020, dated 08.12.2022***. The operative portion of the order reads as follows:

"6. Admittedly, the petitioners worked as Vocational Instructors in Government Higher Secondary Schools and got retired. Though they are all holding valid degrees, their pay has been fixed at Rs. 1400-2600(under fifth Pay Commission) instead of Rs. 2000-3500. Hence, after a lapse of more than two decades, they have filed this writ petition, seeking to enhance the pay scale on par with one G.Narayansamy.

7. However, the petitioners entered into service only as part time employees and subsequently, their services were regularized and on the date of absorption they have also accepted for the fixation of scaly of pay. Even the case of said G.Narayanasamy came to conclusion in the year 2013 by issuing G.O.(1D)327 School Education Department, dated 18.11.2013. Even



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thereafter, the petitioners have not taken any steps to secure similar order passed in the case of G.Narayanasamy. However, after retiring from service, even after a lapse of two decades, they have made a request to fix the enhanced pay scale. It is well settled law that a settled thing cannot be unsettled after a lapse of long time. Therefore, the writ petition filed by the petitioner cannot be entertained on the ground of delay laches.

8. In the result, this writ petition is dismissed. No Costs."

5. Following the above said decision of this Court, this Writ Petition is dismissed with the same observation. No costs.

09.01.2023

ssb
NCC:Yes/No
Index:Yes/No
Internet:Yes/No



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