



W.P.(MD)No.7588 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

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W.M.P(MD).Nos.7076 to 7078 of 2020

- 1.N.Nagarajan
- 2.B.Parameswaran
- 3.R.Clement Raj
- 4.M.Mohammed Abdul Kader
- 5.S.Rajalingam
- 6.P.Krishna Mani
- 7.S.Gerald Majella
- 8.A.Sivanesan

... 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,



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- Chennai-600 006.
- 4.The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai-600 006.
 - 5.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Kanyakumari District.
 - 6.The District Educational Officer,
O/o.The District Educational Officer,
Thuckalay,
Kanyakumari District.
 - 7.The Headmaster,
Government Higher Secondary School,
Agastheeswaram,
Kanyakumari District.
 - 8.The Headmaster,
Government Higher Secondary School,
Boothapandi,
Kanyakumari District.
 - 9.The Headmaster,
Government Higher Secondary School,
Kottaram,
Kanyakumari District.
 - 10.The Headmaster,
Government Higher Secondary School,
Thuckalay,
Kanyakumari District.

... 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 Letter No.2021/SE7(1)/2020-1 dated 17.02.2020 on the file of the second respondent and the consequential impugned order in Na.Ka.No.3024/V1/E1/2020 dated 28.02.2020 on the file of the third respondent as illegal insofar as denying the benefit of the additional fitment table to the vocational instructors and for a direction, forbearing the respondents from reducing the pay of the petitioners without hearing and without following the principles of natural justice.

For Petitioner : Mr.T.Lajapathi Roy
Senior Counsel

For Respondents : Mr.S.Saji Bino
Special Government Pleader

ORDER

This writ petition has been filed to call for the records pertaining to the impugned order in Letter No.2021/SE7(1)/2020-1 dated 17.02.2020 passed by the second respondent and the consequential impugned order in Na.Ka.No.3024/V1/E1/2020 dated 28.02.2020, passed by the third respondent as illegal insofar as denying the benefit of the additional



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fitment table to the vocational instructors and to forbear the respondents from reducing the pay of the petitioners without hearing and without following the principles of natural justice.

2. The case of the petitioners is that the petitioners were appointed as Vocational Instructors on various dates and their services were regularised and they were extended the benefit of Selection Grade, Special Grade and Additional Fitment Table. However, subsequently, they were sought to be recovered which was challenged before this Court in W.P(MD).No.30253 of 2019. This Court, vide order dated 23.10.2019, has set aside the same by issuing a direction to the concerned respondents to re-appreciate the fixation of the pay and pension by applying the Rules 4(i) and (iii) of the Tamil Nadu Revised Scale of Pay Rules 2009 afresh on merits and in accordance with law. Thereby, the present impugned orders have been passed.

3. The learned Senior Counsel appearing for the petitioners would submit that the issue arising in the present writ petition is as to whether



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the petitioner is entitled to get the benefit of additional fitment table extended by the respondents in terms of G.O.(Ms).Nos.254 to 340, Finance (PC) Department, dated 26.08.2010, which was earlier extended to the petitioners and subsequently, the same was cancelled in respect of the petitioners. Hence, the present writ petition has been filed. However, it would suffice if this Court grants liberty to the petitioners to work out their remedies before the concerned Authorities in the manner known to law.

4. Heard the learned Senior counsel appearing for the petitioners and learned Special Government Pleader appearing for the respondents.

5. Considering the limited request made by the learned Senior Counsel appearing for the petitioners, this Court, without interfering with the impugned orders issued by the respondents 2 and 3, grants liberty to the petitioners to work out their remedies in the manner known to law.



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6. Accordingly, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

30.01.2023

ssb

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To

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2.The Principal Secretary to the Government,
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3.The Director of School Education,
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M.DHANDAPANI,J.

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