



W.P.(MD)Nos.9676 and 9681 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.9676 and 9681 of 2020

M.Kannan ... Petitioner in W.P(MD)No.9676 of 2020

M.Sargunam ... Petitioner in W.P(MD)No.9681 of 2020
Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Finance Department,
Fort St. George, Chennai – 600 009.

2.The State of Tamil Nadu,
Rep. by Secretary to Government,
School Education Department,
Fort St. George, Chennai – 600 009.

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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Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the fourth respondent dated 20.01.2020 bearing Na.Ka.No.72193/VI/E3/2019 and quash the same and direct the respondents to re-fix the scale of pay of the petitioners at Rs.2000-3500 w.e.f. 05.10.1996 on par with scale of pay sanctioned to Mr.Narayanasami under G.O.Ms.No.327 dated 18.11.2013.

(In both W.Ps)

For Petitioner

: Mr.R.Saravanan

For Respondents

: Mr.S.Saji Bino,

Special Government Pleader

COMMON ORDER

Since the issue raised in these writ petitions is one and the same, the writ petitions are disposed of by way of this common order.

2. The Writ petitions have been filed to quash the impugned order passed by the fourth respondent, dated 20.01.2020, bearing Na.Ka.No. 72193/VI/E3/2019 and to direct the respondents to re-fix the scale of pay of the petitioners at Rs.2000-3500 w.e.f. 05.10.1996 on par with scale of pay sanctioned to Mr.Narayanasami under G.O.Ms.No.327 dated 18.11.2013.



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3. The case of the petitioners is that they worked as Vocational Instructors in Government Higher Secondary Schools and got retired. 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. In this regard, the petitioners have made a representation to the respondents. However, the fourth respondent has rejected the claim of the petitioners vide the impugned order, dated 20.01.2020. Hence, Challenging the same, the petitioners have filed the present writ petitions with the afore said prayer.



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4. The learned counsel appearing for the petitioners would submit that the petitioners have also done the work similar to that of the said Narayanasami. The pay of the said Narayanasami was refixed vide G.O.(1D) No.327, Education Department, dated 18.11.2013. Hence, the petitioners are also entitled to the same benefit. However, the fourth respondent refused to grant benefit to the petitioners, which is not sustainable and hence, prays for allowing of this writ petition.

5. The learned Special Government Pleader appearing for the respondents would submit that the petitioners were appointed as part time Vocational Instructor and subsequently, they were absorbed and subsequently, their services were regularized and on the date of absorption, they have also accepted for the fixation of scale of pay. Thereafter, subsequent to the retirement, after a lapse of more than a decade, they have made a representation claiming the enhanced pay, which is not sustainable. In a catena of decision, it is settled law that one settled thing cannot be unsettled after a lapse of time and hence, prayed for dismissal of this writ petition.



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6. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents and perused the materials produced before this Court.

7. 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, they have claimed to enhance their pay scale on par with one G.Narayansamy.

8. However, perusal of the impugned order shows that G.Narayanasamy acquired B.Sc., (Agri) and got appointed as Vocational Instructor whereas the the petitioners entered into service only as part time Vocational Instructors 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 thereafter, the petitioners have not



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taken any steps to secure similar order passed in the case of G.Narayanasamy. However, after retiring from service, even after a lapse of more than a decade, 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 petitions filed by the petitioners cannot be entertained on the ground of delay and laches.

9. In the result, these writ petitions are dismissed. No Costs.

02.02.2023

PM

NCS:Yes/No

Index:Yes/No

Internet:Yes/No



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M.DHANDAPANI, J.

pm

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