



W.P.(MD)No.10985 of 2020 etc., batch

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.(MD)Nos.10985, 11002, 11008, 13367, 13371, 19350, 1967, 1970,
1973, 4034, 4036, 4037, 4087, 4131, 4139, 5235, 5236, 5250, 5252, 5258,
5260, 5267 and 5270 of 2020**

and

W.M.P.(MD)Nos.11152,11155, 9644, 9657 and 9662 of 2020

W.P.(MD)No.10985 of 2020:

C.Christober Thangaraj

... Petitioner

Vs.

1. The Principal Secretary to Government,
Finance Department,
Fort St.George,
Chennai - 600 009.
2. The Principal Secretary to the Government,
School Education Department,
Fort St.George,
Chennai - 600 009.
3. The Director of School Education,
DPI Compound,
College Road,
Chennai - 600 006.



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

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.006014/VI/E3/2020, dated 16.06.2020 on the file of the fourth respondent and quash the same as illegal insofar as the petitioner is concerned and consequently, for a direction, directing the respondents to re-fix the scale of pay of the petitioner 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.(ID)No.327, Education Department, dated 18.11.2013 and G.O.(1D)No.410, School Education Department, dated 29.10.2019 along with consequential monetary benefits to the petitioner for the service rendered in the post of Vocational Instructor.

In W.P.(MD)Nos.10985, 11002 and 11008 of 2020:

For Petitioners : Mr.T.Aswin Rajasimman
for Mr.TLajapathi Roy

For Respondents : Mr.J.Ashok
Additional Government Pleader



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In other W.Ps':

For Petitioners : Mr.R.Saravanan
For Respondents : Mr.J.Ashok
Additional Government Pleader

COMMON ORDER

Since the issue raised in all these Writ Petitions are one and the same, with the consent of the learned counsel appearing for both sides, all these Writ Petitions have been heard together and are disposed of by this common order.

2. The case of the petitioners is that they worked as Part Time Vocational Instructors in Government Higher Secondary Schools and got retired. The grievance of the petitioners is that though they are all holding valid degrees, they have not been granted higher pay scale but similarly placed persons had been granted higher pay scale. Aggrieved by the same, one G.Narayanasamy has 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



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offering the benefit of higher pay to the said G.Narayanasamy. Further, one Mr.P.Jeyaraj and R.Senthamaraiselvi who are appointed as part-time Vocational Instructors on 01.08.1989 and 11.07.1990 respectively, are benefited through G.O.(1D).No.410, School Education Department dated 29.10.2019. Therefore, the petitioners have filed these Writ Petitions for enhancement of pay, re-fixation of scale of pay etc., on par with one G.Narayanasamy and P.Jeyaraj etc., and in terms of G.O.(1D) No.327, School Education Department, dated 18.11.2013 and G.O.(1D)No.410, School Education Department, dated 29.10.2019.

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

4. The issue involved in these Writ Petitions 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 scale 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 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.



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8. In the result, this writ petition is dismissed.

No Costs."

5. Following the above said decision of this Court, these Writ Petitions are dismissed with the same observation. No costs. Consequently, connected Miscellaneous Petitions are closed.

31.01.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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