



W.P.(MD).No.17865 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.17865 of 2020

C.Govindan

... Petitioner

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

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings in Na.Ka.No.



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20119/V1/E3/2020, dated 20.10.2020 on the file of the fourth respondent and quash the same as illegal in so far as the petitioner herein concerned and consequently for a direction, directing the respondents to re-fix the scale of pay and pension of the petitioner herein along with consequential monetary benefits by way of granting the benefit of Additional Fitment Table 15 within the period stipulated by this Court.

For Petitioner	: Mr.Ashwin Rajasimman for Mr.T.Lajapathi Roy
For Respondents	: Mr.N.Ramesh Arumugam Government Advocate

ORDER

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned proceedings, dated 20.10.2020 on the file of the fourth respondent in so far as the petitioner herein concerned and consequently to direct the respondents to re-fix the scale of pay and pension of the petitioner herein along with consequential monetary benefits by way of granting the benefit of Additional Fitment Table 15 within the period stipulated by this Court.



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2.The petitioner was appointed as Part-Time Vocational Instructor (Accountancy and Auditing) on 25.11.1983 at Government Higher Secondary School, Kattathurai, Kanyakumari District. Thereafter, he was regularized in the post of Vocational Instructor on 01.04.1990. He retired from service on 31.03.2017. At the time of implementation of the Sixth Pay Commission, he was eligible for the revised basic pay of Rs.22,460/- as per the Additional Fitment Table 15 and Rule 4(i) and (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009, as he was getting the basic pay of Rs.7,900/- as on 01.01.2006. Though he was entitled for revision of basic pay of Rs.22,460/-, he was not granted the said benefit. But he was provided with only Rs. 21,000/- which is the minimum basic scale of pay. Therefore, he was deprived of revision of the scale of pay as per the Additional Fitment Table 15 and Rule 4(i) and (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009. The said re-fixation of pay has been done properly for several similarly placed persons, however, the same has not been done in the case of the petitioner. Hence, mentioning all the facts, the petitioner made an elaborate representation on 12.12.2019 to the respondents 1 to 3 seeking for re-fixation of the scale of pay and pension. However, the fourth respondent vide impugned order, dated 20.10.2020, rejected the same on the ground that the petitioner



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(Vocational Instructor) has not been revised from one pay band to another pay band. Challenging the said impugned order, the present Writ Petition came to be filed.

3.Heard Mr.Ashwin Rajasimman, learned counsel appearing for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents and anxiously perused the materials available on record.

4.A similar case was dealt with by this Court in ***W.P(MD)No.14043 of 2022, dated 30.01.2023 [M.Rajaram and others Vs. The Principal Secretary to the Government and others]***, in which the issue raised in this Writ Petition has been elaborately considered and appropriate orders were passed, the operative portion of which is extracted as follows:-

"7. The issue arising in the present writ petition is as to whether the petitioners are entitled for additional fitment table introduced in G.O.Ms.Nos.254 to 340, Finance (PC) Department, dated 26.08.2010. Admittedly, the petitioners entered into service prior to 1992 and their services were regularised in the year



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1992. Thereafter, they were awarded selection grade and special grade. They got retired from service in the year 2018 and 2020 respectively. Prior to retirement, the benefit of Additional Fitment Table was given to the petitioners. However, at the time of retirement, the same was sought to be recovered. Thereby, the present Writ Petition has been filed.

8. The grievance of the petitioners is that they are entitled for Additional Fitment Table as per the Rules 4(i) and 4(iii). Admittedly, the Tamil Nadu Revised Scale of Pay Rules, 2009 was issued vide G.O. (Ms).No.234, Finance (Pay Cell) Department, dated 01.06.2009. The Government of Tamil Nadu constituted an Official Committee to examine and make necessary recommendations for revision of scales of pay and allowances of State Government employees and Teachers including employees of Local Bodies based on the decisions of the Central Government on the recommendations of the Sixth Central Pay Commission. The Committee was also requested to examine the decision of the Government of India on the revision of pension, family pension, retirement benefits and make necessary recommendations. The Official Committee has submitted its report to the Government on 27.05.2009. The Government, while implementing the Central Pay scales to the employees of the State Government,



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have decided to adopt the revised pay scales on "pay scale to pay scale" basis. Accordingly, the existing 28 standard pay scales shall be revised as indicated in the Schedule—I to the Revised Scales of Pay Rules. Further, the recommendation of the Sixth Pay Commission has been implemented to the employees of the Central Government with effect from 01.01.2006 and the Sixth Central Pay Commission has recommended the revised pay structure under- 4 Pay Bands with 20 Grade Pays. Though that revision of pay scale as recommended in G.O.(Ms).No.234 dated 01.06.2009, is not applicable to the petitioners, the grievance of the petitioners is that the revision of scale of pay was not extended to the petitioners. Thereby, the present Writ Petition has been filed. However, for fixation of pay in the revised pay structure of employees appointed as fresh recruits on or after 01.01.2006, the entry level pay in the pay band at which the pay of direct recruits to a particular post carrying a specific grade pay shall be fixed on or after 1—1—2006. However, the petitioners were appointed prior to 01.01.2006. They were initially appointed as Part Time Vocational Instructors, were brought under regular establishment in the year 1992 and they were granted selection grade in the year 2002 and special grade in the year 2012, whereas the persons, who entered into service on or after 01.01.2006, alone are entitled for revision of pay scales and the persons who



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were appointed prior to that, if the Sixth Pay Commission has been denied to them, are entitled to the Additional Fitment Table. However, in the present case, the petitioners are not the aggrieved persons by the Sixth Pay Commission. Their scale of pay was revised prior to acquiring of Selection Grade and Special Grade. Hence, the benefit granted in the Additional Fitment Table was not applicable to the petitioners."

5.In view of the above, this Court is fully in consonance with the said order passed by this Court in W.P(MD)No.14043 of 2022, dated 30.01.2023 and the Writ Petition is dismissed. There shall be no order as to costs.

14.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes
ps



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L.VICTORIA GOWRI, J.

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