



W.P.No.1590 of 2020

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 13.08.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.1590 of 2020

G.Kannan

.. Petitioner

Vs

- 1.The Government of Tamil Nadu,
Rep. By the Secretary to Government,
School Education Department,
Chennai – 9.
- 2.The Secretary,
Finance Department,
Chennai – 9.
- 3.The Director of Elementary Education,
College Road,
Chennai – 6.
- 4.The District Educational Officer,
Kovilpatti,
Tuticorin District.
- 5.The Block Education Officer,
Vilathikulam,
Tuticorin District.
- 6.The Branch Officer,
O/o Principal Accountant General (A&E),
Chennai – 18.

.. Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of certiorarified mandamus to call for the records of the sixth respondent in relation to his proceedings issued in No.P23/3/12320441/ADK, dated 30.07.2018 and consequently direct the respondents to fix the petitioner's pay at Rs.21,960/- as on 01.01.2006 and after annual increments at Rs.24,000/- as on 01.04.2008 and to accept the revised pension proposal in RC No.581/B1/2017, dated 26.02.2018 sent by Assistant Elementary Educational Officer, Vilathikulam, Tuticorin District, subsequently re-designated as 5th respondent.

For Petitioner : Mr.R.Saseetharan

For R1 to R5 : Mr.R.Neelakandan, AAG
Assisted by Mrs.S.Mythreye Chandru,
Spl.GP.

For R6 : Mr.P.Mano Rajan,
Standing Counsel

ORDER

The writ petition has been filed challenging the order passed by the sixth respondent dated 30.07.2018, thereby, rejected the request made by the petitioner for refixation of his salary.



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2. The petitioner was appointed as Secondary Grade Teacher on 02.06.1987 in TDTA Middle School, Veeppankulam, Ottapidaram Union, Tuticorin District. Thereafter, he was promoted as Primary School Headmaster on 30.04.1991. After completion of 10 years of service in the said post, he was granted selection grade scale of pay of Rs.6500-200-10500 from 30.04.2001. While being so, the said scale of pay was revised in the year 1998 as per the official pay committee recommendation with effect from 01.01.1996.

3. The Government of Tamil Nadu introduced revised scale of pay to its employees with effect from 01.01.2006 as per G.O.Ms.No.234, Finance Department, dated 01.06.2009, as per which, the Government of Tamil Nadu has given 3% increase in basic pay on the date of selection grade and special grade scale of pay. While being so, the petitioner got retired voluntarily on 02.06.2008.

4. Thereafter, as per G.O.Ms.No.23, Finance (Salary) Department, dated 12.01.2011, the Government ordered to revise the scale of pay of Primary School Headmaster from Rs.9300-34800+4300 GP to Rs.9300-



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34800+4500GP with notional effect from 01.01.2006 and monetary benefit from 01.01.2011. Consequently, the corresponding selection grade scale of pay for Primary School Headmaster is Rs.15600-39100+5400GP as per the Government letter dated 08.11.2010. Accordingly, through pay fixation dated 15.07.2013, selection grade scale of pay of the petitioner was fixed at Rs.21,000/-. Therefore, the petitioner made a representation dated 12.12.2017 to the Management of TDTA School requesting to revise selection grade scale of pay at Rs.21,960/- as on 01.04.2006. Subsequently, the Management of TDTA school had sent a proposal to the Government, but, the same was rejected.

5. The learned counsel for the petitioner would submit that the claim with regard to pay fixation and pension is a continuous cause of action and it occurs every month and therefore, the claim for pay fixation cannot be rejected on the ground that pay has already been fixed. Further, he would submit that the fifth respondent, competent authority, has fixed the pay of the petitioner at Rs.21960/- as on 01.01.2006 by applying Fitment Table No.15 of the Government letter dated 15.09.2010



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He would further submit that pay in the revised scale of pay has to be fixed corresponding to the pay in the prerevised scale of pay and Fitment Table No.15 of the Government letter dated 15.09.2010 and Rule 4(iii) of the Tamil Nadu Revised Pay Scale Rules.

6. The fourth respondent has filed the counter affidavit. The learned Additional Advocate General appearing for the respondents 1 to 5 would submit that as per G.O.Ms.No.23, Finance (Salaries) Department, dated 12.01.2011, the Government have revised the scale of pay of several Primary School Headmasters by raising the grade pay from Rs.4,300/- to Rs.4,500/- without changing the pay band of PB2-9300-34800. Since the petitioner had opted to refix his pay in the revised scale of pay as per G.O.Ms.No.23, dated 12.01.2011, his salary was refixed notionally and his was pension was revised as authorized by the fifth respondent vide his letter dated 20.11.2013. Therefore, the petitioner could not exercise second option for further refixation as per the above said G.O.Ms.No.23, dated 12.01.2011.



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7. On perusal of the records, it is further revealed that additional fitment table, i.e., from table Nos.1 to 17, communicated in Government letter dated 15.06.2010 in favour of the government servants, whose pay band is changed to a higher pay band as per G.O.Ms.Nos.254 to 340, Finance (PC) Department, dated 26.08.2010, is not applicable to the petitioner, as there is no change in PB2 (pay band) while fixing revised scale of pay to the Primary School Headmasters including the petitioner as per G.O.Ms.No.23, dated 12.01.2011. Therefore, since there is no change in Pay Band 2 of the petitioner while holding the post of Primary School Headmaster, the request made by him was rightly rejected by the sixth respondent.

8. For the foregoing reasons, this Court finds no error or illegality in the order passed by the sixth respondent. Accordingly, the writ petition is dismissed as devoid of any merit. No Costs.

13.08.2024

Index: yes/no
Neutral citation: yes/no
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G.K.ILANTHIRAIYAN, J.
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