



WEB COPY



W.P.No.6655 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.6655 of 2020
and W.M.P.No.7888 of 2020

1. N.Kumar
2. J.Prabhu
3. S.Ravichandar
4. K.S.Sampath Nagarajan
5. T.Namasivayam
6. R.Balasubramanian

...

Petitioners

/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 its 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.



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

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the third respondent to re-fix the scale of pay of the petitioners who worked as Vocational Instructors at Rs.2000-3500 w.e.f. 01.04.1990 or 16.10.1992 as the case may be on par with the scale of pay sanctioned to Mr.G.Narayanasamy under G.O.Ms.No.327 dated 18.11.2013 and on par with Vocational Instructors who were in service at the time plus 2 system was introduced in the Schools in the State of Tamil Nadu in compliance with the order of this Court in W.P.No.10801 of 2014 dated 04.03.2019, within a reasonable time fixed by this Court.

For Petitioner ... Mr.R.Venkatavaradhan
for Ms.C.Uma

For Respondents ... Mr.P.Gurunathan
Additional Govt. Pleader for R1 to R4

ORDER



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The petitioners have filed this writ petition to direct the third respondent to re-fix their scale of pay on par with the scale of pay sanctioned to one G.Narayanasamy under G.O.Ms.No.327 dated 18.11.2013 in compliance with the order of this Court in W.P.No.10801 of 2014 dated 04.03.2019.

2. The petitioners are the Vocational Instructors who were initially appointed on temporary basis and thereafter got regularised. In the earlier writ petition filed by the similarly placed persons in W.P.(MD) No.5766/2018, an order has been passed to grant the benefit of equal time scale of pay in accordance with G.O.Ms.No.840 Finance (Pay Commission) dated 31.07.1990. The writ appeal challenging the said writ petition got dismissed. In fact the Special Leave Petition filed challenging the said writ appeal has also been dismissed by the Hon'ble Supreme Court.

3. The very same writ petitioners have filed a writ petition in



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W.P.No.10801/2014 seeking to revise the scale of pay on par with one G.Narayanasami whose pay has been re-fixed under G.O.Ms.No.327 dated 18.11.2023 in compliance of the order of the Hon'ble Supreme Court in SLP (CC)No.22874/2012. By relying on the above orders, the writ petition in W.P.No.10801/2014 was allowed and the petitioners were permitted to give fresh representation to the third respondent therein. Accordingly, the petitioners have given a representation and so far the same has not been considered.

4. The petitioners could have filed a contempt petition for not following the earlier order in W.P.No.10801/2014. Despite orders have been categorically passed to consider the representation of the petitioners, the respondents had not only obeyed the orders of the Court but also stated in the counter that the facts were not properly placed before this Court in the matter of the said G.Narayanasami. As on today, no review application has been filed against SLP (CC)No.22874/2012. Hence, the respondents cannot harp upon the said submission for not passing any orders on the representations of the petitioners.



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5. Since various orders have been passed and the petitioners have filed several litigations for seeking the same relief, the respondents are directed to pass orders on the representation of the petitioners and pass suitable orders on par with the orders passed in favour of the said G.Narayanasami as per G.O.Ms.No.327 dated 18.11.2013, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed. No costs.
Connected miscellaneous petition is closed.

05.03.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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R.N.MANJULA ,J.

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To:

1. The Secretary to Government,
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2. The State of Tamil Nadu,
Rep. by its Secretary to Government,
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