



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.12953 of 2021
and W.M.P.Nos.13763, 13764 of 2021, 775 of 2022

Dr.R.Sambath

...

Petitioner

versus

1.The Secretary to Government of Tamil Nadu,
Higher Education Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Technical Education,
Directorate of Technical Education,
Guindy, Chennai.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in its Letter No.42356/A4/2018 dated 10.03.2021 and quash the same, and consequently direct the respondents to extend the benefits of revised pay scale along with consequential career advancement to the petitioner in terms of G.O.(Ms.)No.95, Higher Education dated 05.05.2010 with effect from the respective dates of entitlement along with arrears and attendant benefits.

For Petitioner : Mr.V.Vijay Shankar

For Respondents : Mr.D.Ravichander
Special Government Pleader (Hr.Edu)



ORDER

This Writ Petition has been filed challenging the order of the 2nd respondent dated 10.03.2021 and direct the respondents to extend the benefit of revised scale of pay along with consequential Career Advancement Scheme (CAS) to the petitioner in terms of G.O.(Ms.)No.95, Higher Education (C2) Department, dated 05.05.2010 [G.O.(Ms.)No.95, dated 05.05.2010] with effect from the respective dates of entitlement along with arrears and attendant benefits.

2. The petitioner joined the service as Physical Training Instructor in the year 1994. By virtue of the qualification possessed by the petitioner, he was eligible to be appointed as the Physical Director / College Director of Physical Education. On 01.07.2010, the petitioner was appointed as in-charge Physical Director and on 29.02.2012, he was made regular as Physical Director.

3. The 1st respondent had issued G.O.(Ms.)No.95, dated 05.05.2010 in respect of revised scale of pay to the Teachers and other equivalent cadres, such as Librarians and Physical Education Personnel in Technical Universities, Government and Government-aided Engineering



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Colleges governed by the All India Council for Technical Education [AICTE]. Further clarification has also been issued by the 1st respondent in G.O.(Ms.)No.62 Higher Education (C2) Department dated 02.04.2018 [G.O.(Ms.)No.62 dated 02.04.2018] for implementation of CAS for Teachers and other academic staffs in the technical institutions. However, the petitioner has achieved the CAS norms as specified in G.O.(Ms.)No.95, dated 05.05.2010. As per the above Government Order, the revised scale of pay shall take notional effect from 01.03.2006 and monetary benefit from 01.01.2007.

4. The petitioner, who is a Physical Director would fall under the revised scale of pay with AGP 6000 as a starting scale of pay and there is no quarrel on the said point. However, after completing 4 years of service, the AGP 7000 will be implemented to the petitioner. The next AGP will be implemented after completion of 5 years and 3 years respectively, as per the upgraded designation stated in G.O.(Ms.)No.95, dated 05.05.2010. So the Grade Pay will be progressive after the completion of particular years of service in each Grade as prescribed in Appendix-I of the above Government Order. The impugned order dated 10.03.2021 has been accepted that the



petitioner is entitled to the revised pay applicable to the Assistant Director of Physical Education from 29.02.2012.

5. The petitioner has got the benefit of AGP with notional effect from 01.01.2006 and monetary benefit from 01.01.2007 as against the designation in which he becomes qualified before the issuance of the Government Order and AICTE Regulations dated 08.11.2012.

6. The above point has been clarified in clear terms in G.O.(Ms.)No.62 dated 02.04.2018 wherein it is stated by the Government as under:-

“3. (e) The faculty who have already achieved the CAS norms as specified in G.O.(Ms)No.95, Higher Education (C2) Department, Dated 5.5.2010, before the issue of AICTE Regulations on 8.11.2012, be given the Academic Grade Pay progression and monetary benefits from the date of attaining eligibility, since that Government Order has already been implemented and given effect to.

(f) G.O.(Ms)No.95, Higher Education (C2) Department, Dated 5.5.2010 states that AICTE Regulations shall become applicable for Career Advancement Scheme (CAS). Since,



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AICTE Regulations were issued on 8.11.2012, from this date onwards, faculty should fulfill training and publications norms as specified in the said Regulations.”

7. It is needless to state that the petitioner is entitled to AGP progression in each and every Grade for which he is qualified by completing the qualifying years of service before the issuance of AICTE Regulations dated 08.11.2012. Since the CAS should be implemented in accordance with G.O.(Ms.)No.95, dated 05.05.2010, the fixation of revised scale of pay should be fixed accordingly. So the above *Clause 3.'e'* of G.O.(Ms.)No.62 dated 02.04.2018 is applicable in respect of those designations in which the petitioner had achieved the CAS norms before 08.11.2012.

8. In view of the same, the 2nd respondent is directed to redo the exercise and revise the petitioner's scale of pay in accordance with G.O.(Ms.)No.95, dated 05.05.2010 r/w *Clause 3.'e'* of G.O.(Ms.)No.62 dated 02.04.2018 and issue appropriate orders with attendant benefits and disburse the arrears, within a period of six (6) weeks from the date of receipt of a copy of this order. The petitioner has produced the following table and claimed that he is entitled to upgradation and career advancement and the



same can be considered while redoing the above exercise, if it is found correct.

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1.	29.02.2012	Petitioner appointed as Physical Director. -Therefore in accordance with Clause 4 (a) (i) Appendix-I of G.O.(Ms.)No.95 dated 05.05.2010 the petitioner should be placed in grade pay of Rs.6000/-.
2.	29.02.2016 DATE OF ELIGIBILITY	-After completion of 4 years for those possessing PhD the pay scale shall be enhanced to Rs.7,000/- in accordance with Clause 4 (b)(ii) of G.O.(Ms.)No.95 dated 05.05.2010. However, petitioner has been granted this benefit only from 02.04.2018. This has to antedated to 29.02.2016.
3.	29.02.2021 DATE OF ELIGIBILITY	On completion of 5 years in Rs.7000/- grade pay, petitioner is entitled to move to Rs.8000/- grade pay as para 4(c)(i) of Appendix-I of G.O.(Ms.)No.95 dated 05.05.2010.
4.	29.02.2024 DATE OF ELIGIBILITY	On completion of 3 years in Rs.8,000/- grade pay, the petitioner is entitled to move to Rs.9000/- grade pay as per para 4(c)(ii) of Appendix I of G.O.(Ms.)No.95 dated 05.05.2010.

With the above directions, this Writ Petition is **disposed**. No costs.

Consequently, connected Miscellaneous Petitions are closed.

14.02.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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- To
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R.N.MANJULA, J.

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