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W.P.Nos.15799 of 2021 & batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. Nos.15799, 15802, 15808, 15810, 15813 & 15816 of 2021 and
W.M.P.Nos.16698, 16699, 16701, 16707, 16709, 16710, 16712, 16713,
16715, 16716, 16718, 16719 of 2021

W.P.No.15799 of 2021

R.Krishnakumar

...

Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Finance (Pay Cell) Department,
Fort St. George,
Chennai – 600 009.
2. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
School Education Department,
Fort St. George, Chennai – 600 009.
3. The Director of School Education,
Chennai – 600 006.
4. The Accountant General,
Office of the Accountant General (A&E)
Chennai – 600 018.



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5. The Head Master,

Government Boys Higher Secondary School,
Desur, Thiruvannamalai District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the records, relating to the proceedings of the second respondent dated 17.02.2020 in letter No.2021/SE7(1)/2020-1 quash the same and further direct the respondents to fix the pay and the consequential retirement benefits by applying Rule 4(iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009.

For Petitioner ... Mr.R.Saravanakumar
(in all W.P's.)

For Respondents ... Mrs.S.Mythreye Chandru,
Special Government Pleader

COMMON ORDER

The petitioners have filed these Writ Petitions challenging the proceedings of the second respondent dated 17.02.2020 in Letter No.2021/SE7(1)/2020-1 and to direct the respondents to fix the pay and the consequential retirement benefits by applying Rule 4(iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009.



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2. Heard Mr.R.Saravanakumar, learned counsel for the petitioners and Mrs.S.Mythreye Chandru, learned Special Government Pleader for the respondents.

3. The petitioners are Vocational Teachers. The first respondent implemented the 6th Pay Commission vide G.O.No.234, Finance (Pay Cell) Department, dated 01.06.2009 and revised pay was implemented with effect from 01.01.2006. Consequent to the implementation of the 6th Pay Commission, the Government issued Tamil Nadu Revised Pay Scale Rules, 2009. According to the said Rules, the petitioners are entitled to fix their pay by getting the benefit of Rule 4(iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009. However the above benefit was denied to the petitioners by misconstruing the pay fixation of selection grade pay that is allowed for the employees who have completed 10 years of qualifying service for the selection grade.

4. The case of these petitioners is similar to the dispute that arose in a batch of Writ Petitions in W.P.Nos.15570 of 2021 etc. In the said Writ



Petitions, this Court has passed the following order:

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"6. Earlier, a similarly placed person by name K.Kolanjiyappan filed a writ petition in W.P.No.30253 of 2019 and in which an order has been passed to consider the representation of that petitioner in accordance with Rule 4 (1) (i) and (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009 in the light of Letter No.51082/Pay Cell/2010-1 dated 15.09.2010. Pursuant to the said direction, the impugned order has been passed by denying the above benefit and in the same order direction has been given to the Director of School Education to pass orders accordingly. Even though the order has been passed in pursuant to the writ petition filed in W.P.No.30253 of 2019, the impact of the order would be on the petitioners as well. Hence the petitioners have chosen to challenge the same.

7. On perusal of the order, it is seen that the respondents have invoked the application of G.O.Ms.No.306, Finance (CMPC) Department, dated 18.09.2018 for the claim of the petitioners. Admittedly, the petitioners' claim is only for pay fixation as per the pay revision recommendation and as per the Rule 4 of the Tamil Nadu Revised Scale of Pay Rules, 2009. In fact much clarification has been made in the Government Letter



No.5108/Pay Cell/2010-1 dated 15.09.2010 by giving the relevant tables as illustrations. But the respondents, without taking cue from the said orders and the tables attached therewith, had chosen to invoke G.O.Ms.No.306, Finance (CMPC) Department, dated 18.09.2018 (which speaks about the grade scale of pay for the Vocational Teachers who have completed qualifying years of service for getting selection grade). Obviously in view of the above confusion, the respondents have chosen to deny the benefit of Rule 4 (1) (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009 to the petitioner.

8. Mr.P.Gurunathan, the learned Additional Government Pleader, submitted that a case has already been filed before the Madurai Bench of this Court and in which an order has been passed by partly allowing the writ petition. With regard to the same the following averments have been made in paragraph No.10 of the Counter of respondents 1, 2, 3 & 5.

9. The above judgment is with regard to the allowance of grade pay and not in respect of pay fixation. This is a claim based upon the pay fixation as per the Rules and hence the above judgment has got no application to the facts of the present case.



10. For the reasons above stated and in view of the real import of Rule 4 (1) (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009 read with Government Letter No.51082/Pay Cell/2010-1 dated 15.09.2010 along with the Additional Fitment Table No.15, the petitioners are entitled to the relief as prayed.

11. Accordingly, these Writ Petitions are allowed and the impugned proceedings of the second respondent dated 17.02.2020 in letter No.2021/SE7(1)/2020-1 is hereby quashed and the respondents are directed to reconsider the pay fixation and pass orders by fixing the pay strictly in accordance with the Additional Fitment Table No.15, within a period of eight weeks from the date of receipt of a copy of this order and also grant consequential retirement benefits to the petitioners by applying Rule 4(1)(iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009. No costs. Connected miscellaneous petitions are closed."

5. The matter in issue is also similar to the earlier Writ Petitions filed in W.P.Nos.15570 of 2021 etc, in which the above order has been passed. Since the petitioners are also similarly placed, their cases should also be dealt in the similar line of appreciation made in the above Writ Petitions.



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Hence these petitioners are also entitled to the same relief as already granted to the other similarly placed persons in the earlier judicial orders.

6. Accordingly, these Writ Petitions are allowed and the impugned proceedings of the second respondent dated 17.02.2020 in letter No.2021/SE7(1)/2020-1 is hereby quashed and the respondents are directed to reconsider the pay fixation and pass orders by fixing the pay strictly in accordance with the Additional Fitment Table No.15, within a period of eight weeks from the date of receipt of a copy of this order and also grant consequential retirement benefits to the petitioners by applying Rule 4(1)(iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009. No costs. Connected miscellaneous petitions are closed.

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

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To:

1. The Secretary,
Government of Tamil Nadu,
Finance (Pay Cell) Department,
Fort St. George,
Chennai – 600 009.
2. The Principal Secretary,
Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai – 600 009.
3. The Director of School Education,
Chennai – 600 006.
4. The Accountant General,
Office of the Accountant General (A&E)
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