



W.P.No.30940 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No.30940 of 2017

and

W.M.P.No33851, 33852 & 38021of 2017

M.K.Radhakrishnan

... Petitioner

Vs

- 1.The State of Tamilnadu,
Represented by its Principal Secretary to Government,
Finance Department,
Fort St. George,
Chennai-600 009.
- 2.The State of Tamilnadu,
Represented by Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai-600 009.
- 3.The Director of School Education,
DPI Complex, College Road,
Chennai-600 006.
- 4.The Joint Director of School Education (Vocational),
O/o.the Director of School Education,

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DP Complex, College Road,
Chennai-600 006.

- 5.The Chief Educational Officer,
O/o.Chief Educational Officer,
Cuddalore District,
Cuddalore.
 - 6.The District Educational Officer,
Cuddalore,
Cuddalore District.
 - 7.The Headmaster,
Government Higher Secondary School,
Bitherkad Post – 643 240,
The Nilgiris District.
- Respondents

...

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned re-fixation and recovery order issued by the 7th respondent in Letter Na.Ka.No.228/2017 dated 20.11.2017 and the Letter issued by the 1st respondent in Letter No. 66858/CMPC/2013-2, dated 22.08.2014 and quash the same and consequently forbearing the respondents from reducing the existing scale of pay with allowances granted to the petitioners and pass such further order.

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For Petitioner : Mr.M.Saravanakumar

For RR1 & 2 : Mr.L.S.M.Hussain Fizal
Additional Government Pleader

ORDER

This writ petition has been filed to quash the impugned order, dated 22.08.2014 and also forbearing the respondents from reducing the existing scale of pay with allowances granted to the petitioners.

2.The petitioner was working as Vocational Instructor in Government Higher Secondary School, Bitharkad and some of the writ petitioners were superannuated.

3. The learned counsel for the petitioner would submit that the issue regarding granting scale of pay to the selection grade and special grade Vocational Instructor was challenged in W.P(MD)Nos.2654 of 2018 etc., batch and this Court vide order, dated 19.03.2018 has allowed the writ petitions by holding that

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selection grade Vocational Instructor are entitled to be paid selection grade scale of pay Rs.15600-39100+GP 5400 admissible with monetary benefits from 01.04.2013. The Government has taken the issue into consideration based on the orders passed by this Court and has passed the G.O.No.306, Finance (CMPC) Department, dated 12.09.2018, wherein, it has been stated that the vocational instructors are eligible for the same payment and it has also been held in paragraph-8 as under:-

“8. The above orders shall be applicable to all the Vocational Instructors who were awarded Selection Grade prior to 01.01.2006 and those awarded Selection Grade between 01.01.2006 and 31.05.2009 and opted for the revised scales of pay on that date irrespective of the fact as to whether they filed separate Writ Petitions or not.”

4. The Government Order has held the revised scale of pay as applicable irrespective of the fact as to whether they filed separate writ petitions are not. Following the Government Order, this Court is

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allowing the writ petition directing respondent to implement the Government Order as far as the writ petitioner is concerned, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

09.01.2024

gba

Index : Yes/No
Speaking order : Yes/No
Neutral Citations : Yes/No

To

- 1.The Principal Secretary to Government,
for The State of Tamil Nadu,
Finance Department,
Fort St. George, Chennai-600 009.
- 2.The State of Tamilnadu,
Represented by Principal Secretary to Government,
School Education Department,
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- 3.The Director of School Education,
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4.The Joint Director of School Education (Vocational),
O/o.the Director of School Education,
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BATTU DEVANAND,J.

gba

- 5.The Chief Educational Officer,
O/o.Chief Educational Officer,
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Cuddalore.
- 6.The District Educational Officer,
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