



W.P.(MD).Nos.1295, 1306 & 1469 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).Nos.1295, 1306 & 1469 of 2024
and W.M.P(MD) Nos.1329, 1360 & 1505 of 2024

In W.P(MD) No.1295 of 2024

R.Clement Raj

... Petitioner

Vs

1. The Principal Secretary to the Government,
Finance Department, Fort St. George,
Chennai 9.
2. The Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai 9.
3. The Director of School Education,
DPI Compound,
College Road, Chennai 600 006.
4. The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai 600 006.
5. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Kanyakumari District.



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6. The District Educational Officer,
O/o. the District Educational Officer,
Nagercoil, Kanyakumari District.
7. The Headmaster,
Government Higher Secondary School,
Agastheeswaram, Kanyakumari District.
8. The Accountant General (A And E),
Tamil Nadu, 361, Anna Salai,
Chennai 600 018.

... Respondents

In W.P(MD) No.1306 of 2024
B.Parameswaran

... Petitioner

Vs

1. The Principal Secretary to the Government,
Finance Department, Fort St. George,
Chennai 9.
2. The Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai 9.
3. The Director of School Education,
DPI Compound,
College Road, Chennai 600 006.
4. The Joint Director (Vocational),
Directorate of School Education,
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O/o. the Chief Educational Officer,
Kanyakumari District.



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6. The District Educational Officer,
O/o. the District Educational Officer,
Nagercoil, Kanyakumari District.
7. The Headmaster,
Sir C.P.Memorial Government Higher Secondary School,
Boothapandi, Kanyakumari District.
8. The Accountant General (A & E),
Tamil Nadu, 361, Anna Salai,
Chennai 600 018.

... Respondents

In W.P(MD) No.1469 of 2024

S.Gerald Majella

... Petitioner

Vs

1. The Principal Secretary to the Government,
Finance Department, Fort St. George,
Chennai 9.
2. The Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai 9.
3. The Director of School Education,
DPI Compound,
College Road, Chennai 600 006.
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Directorate of School Education,
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5. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Kanyakumari District.
6. The District Educational Officer,
O/o. the District Educational Officer,
Nagercoil, Kanyakumari District.
7. The Headmaster,
Government Model Higher Secondary School,
Thuckalay, Kanyakumari District.
8. The Accountant General (A & E),
Tamil Nadu, 361, Anna Salai,
Chennai 600 018.

... Respondents

Prayer in W.P(MD) No.1295 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No. 112/2023, dated 31.07.2023 on the file of the Respondent No.7 and quash the same as illegal and consequently for a direction, directing the Respondent No.7 to re-fix the scale of pay of the petitioner as 15600-39100 Plus 5400 GP Additional Fitment Table 15 and revise the pension with all other consequential benefits and refund the recovered amount to the tune of Rs. 7,49,813/- (Seven Lakh Forty Nine Thousand Eight Hundred and Thirteen Rupees Only) within the time period stipulated by this Court.

Prayer in W.P(MD) No.1306 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in



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No.AG(A and E) PEN P09/10926964/3/R0926964/17B, dated 04.08.2023 on the file of the Respondent No. 8 and the consequential impugned order in Na.Ka.No.123/2023, dated 26.09.2023 on the file of the respondent No.7 and quash the same as illegal and consequently for a direction, directing the respondent No. 7 to re-fix the scale of pay of the petitioner as 15600-39100 Plus 5400 GP Additional Fitment Table 15 and revise the pension with all other consequential benefits and refund the recovered amount to the tune of Rs. 7,65,434/- (Seven Lakh Sixty Five Thousand Four Hundred and Thirty four Rupees Only) within the time period stipulated by this Court.

Prayer in W.P(MD) No.1469 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No. 49/2023, dated 19.04.2023 and the consequential impugned order in Na.Ka.No.131/2023, dated 17.08.2023 on the file of the Respondent No. 7 and quash the same as illegal and consequently for a direction, directing the respondent No. 7 to re-fix the scale of pay of the petitioner as 15600-39100 Plus 5400 GP Additional Fitment Table 15 and revise the pension with all other consequential benefits and refund the recovered amount to the tune of Rs. 7,21,935/- (Seven Lakh Twenty One Thousand Nine Hundred and Thiry Five Rupees Only) within the time period stipulated by this Court.

In all the petitions:

For Petitioners : Mr. S.Rajasekar

For Respondents : Mr.J.Ashok (R1-R7)
Additional Government Pleader
Mr.P.Gunasekaran (R8)



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COMMON ORDER

The petitioners have filed these Writ Petitions challenging the proceedings of the 7th respondent and to re-fix the scale of pay of the petitioners as Rs.15,600-39,100 + 5400 GP Additional Fitment Table 15.

2.The matters in hand is no longer *res-integra*. This Court has already dealt with a similar issue in *W.P.No.15570 of 2021 etc*. The similarly placed persons have already approached this Court through the above petition and got favourable orders in their favour, wherein, it is held as follows:

“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. ”



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3.In the light of the decision cited *supra*, these writ petitions are allowed and the impugned orders of the 7th respondent are 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, and also grant consequential benefits to the petitioners to refund the recovered amount, within a period of eight weeks from the date of receipt of copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

04.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

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R.N.MANJULA, J.

PNM

**COMMON ORDER IN
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