



W.P.(MD)No.8245 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.07.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.8245 of 2021
and
W.M.P.(MD)No.6230 of 2021

C.Kipson

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of Finance,
Fort St. George,
Chennai – 600 009.
- 2.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai – 600 009.
- 3.The Secretary to Government,
Finance (Pay Cell) Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 4.The Commissioner of School Education,
O/o. The Commissioner of School Education,
DPI Campus,
Chennai – 600 006.
- 5.The Joint Secretary,
Pay Grievance Redressal Committee,
Department of Finance,
Secretariat, Fort St. George,
Chennai – 600 009.

... Respondents



W.P.(MD)No.8245 of 2021

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to pass appropriate government orders to revise the scale of pay for the post of Secondary Grade Teachers, Special Teachers and Teachers with same scale of pay as Rs.9300-34800+ G.P. 4200 on par with the Central Government Teachers and on par with the other ministerial service staff who are holding diploma certificate like Secondary Grade Teachers and Physical Education Teachers.

For Petitioner	: Mr.G.Karthick
	For Mr.T.Lajapathi Roy
For Respondents	: Mr.M.Sarangan
	Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the respondents 1 to 4 to pass appropriate government orders to revise the scale of pay for the post of Secondary Grade Teachers, Special Teachers and Teachers with same scale of pay as Rs.9300-34800+ G.P. 4200 on par with the Central Government Teachers and on par with the other ministerial service staff who are holding diploma certificate like Secondary Grade Teachers and Physical Education Teachers.

2.1.The petitioner is representing an Association in the name and style of Tamil Nadu All Teachers Association in the capacity of General Secretary of State seeking pay parity with the Central Government Teachers. As per the Three members Commission, vide G.O.Ms.No.358,



W.P.(MD)No.8245 of 2021

Finance (PC) Department, in the year 2009, for the purpose of revising the salary scales of the State Government employees, in the light of the Central Government's 6th Pay Commission recommendations of the year 2006, an Official Committee has been appointed for the purpose of implementation of 6th Central Pay Commission recommendations to State Government employees and the said Three Member Commission submitted its report to Government and advised the revision of the pay scale on “pay scale to pay scale” basis. The Government accepted the report and issued orders and the same was given notional effect from 01.01.2006 with monetary benefit from 01.01.2007, vide G.O.Ms.No.234, Finance (Pay Cell) Department dated 01.06.2009. Instead of giving the full benefit to the Teachers, the Government issued G.O.Ms.No.258, Finance (PC) Department, dated 23.06.2009, by granting fixation of pay in the revised pay structure of employees appointed as fresh recruits on or after 01.01.2006 and before 01.06.2009.

2.2.Subsequent to the same, addressing the grievance raised by the petitioner's Association, G.O.Ms.No.71, came to be issued by the Government. However, the same was stayed by this Court in W.P.Nos. 6761 of 2011, batch. However, it was dismissed on 13.03.2012, by this Court with a direction to the Government to constitute the Pay Grievance Redressal Cell within a period of four weeks from the date of receipt of copy of the order. Since the Pay Grievance Redressal Cell was not



W.P.(MD)No.8245 of 2021

constituted, yet another W.P.(MD)No.1612 of 2015 was filed by the petitioner Association and the same was disposed of as premature with liberty to approach this Court. Following which, yet another W.P.(MD)No. 5301 of 2015 came to be filed, seeking to direct the first respondent to dispose of the appeal petition dated 12.01.2015, preferred by the petitioner, pursuant to the rejection order passed by the second respondent in Government letter No.60473/CMPC/2014-1, dated 10.12.2014 and the same was dismissed by this Court on 09.07.2019, giving liberty to the petitioner herein to approach the Pay Grievance Committee that was to be constituted for the purpose of Redressal of the grievance in the manner known to law. Thereafter, pursuant to the order passed by the Hon'ble Apex Court in Civil Appeal No.10029 of 2017, dated 28.11.2019, the Pay Grievance Redressal Committee was constituted under the Chairmanship of Hon'ble Retired Justice Mr.D.Murugesan. An Enquiry was made on 05.02.2020 by the said Committee and the report has been forwarded to the authorities concerned. However, even thereafter, no effective steps has been taken up to consider the grievances of the petitioner's Association. Hence, a detailed representation came to be sent by the petitioner on 04.12.2020 and 27.12.2020 and the same was not considered. Hence, this Writ Petition came to be filed.



W.P.(MD)No.8245 of 2021

3.The learned counsel appearing for the petitioner submitted that even after a period of more than four years from the date of representation, it is not considered and pressed for allowing the Writ Petition.

4.The 4th respondent has filed a counter and the learned Additional Government Pleader appearing for the respondents submitted that the number of Schools and number of Secondary Grade Teachers (Primary School Teachers) in Government of India (Kendriya Vidyalaya Schools) are very less i.e., 1017, as compared to the number of Secondary Grade Teachers (01.16.129) in the State of Tamil Nadu. The Kendriya Vidyalaya Schools are almost functioning in Corporation Areas and Urban cities whereas the Primary Schools in the State of Tamil Nadu are functioning in villages and rural areas where the cost of living is very cheaper. No major State is employing lakhs of Teachers as in the case of Tamil Nadu and it is also ascertained that they have not adopted Central scales of pay. The Teachers in the State of Tamil Nadu are fairly paid as compared to their counterparts in some other States. The Secondary Grade Teacher working in a remote village in Tamil Nadu, is drawing a monthly salary of Rs.11,150/- per month in the minimum of the existing revised scale of pay. If the scale of pay of Rs.9,300-34,800 + Grade Pay of Rs.4,200/- applicable to the Primary School Teachers in Kendraya Vidyalaya Schools is extended to the Secondary Grade Teachers in this State, it will further



W.P.(MD)No.8245 of 2021

distort the local pay relativity among other similarly placed categories and also invite request for granting alternative benefit as allowed in the previous Pay Commission period and it will become a continuing history. Moreover, it will lead to huge additional financial commitment of over Rs. 700 Crore recurring per annum for Secondary Grade Teachers alone. Taking note of the above facts and the local pay relativities between the Secondary Grade Teachers and the Ministerial categories, the Government considered that there is no justification to grant further revision of scale of pay to the Secondary Grade Teachers. However, the Secondary Grade Teachers were granted a special allowance of Rs.500/- and subsequently, it was raised to Rs.750/- per month with effect from 01.01.2011 and it was treated as Personal pay. Based on the order of this Court, a Pay Grievance Redressal Cell was also formed by the Government to examine all the representations received and also further representations, in any form, the Employees Associations/Head of Departments Individual employees including the aggrieved petitioners relating to anomalies in the revised pay structure of the respective posts.

5. Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1 to 5 and carefully perused the materials available on record.



W.P.(MD)No.8245 of 2021

6.A careful perusal of the counter would make it clear that suitable recommendation has been made by the Committee constituted in this regard. In view of the same, without going into merits of the case, this Court hereby direct the fourth respondent to consider the petitioner's representations dated 08.09.2020 and 04.12.2020 and to pass appropriate orders in accordance with law within a period of 16 weeks from the date of receipt of copy of this order.

7.Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

16.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



W.P.(MD)No.8245 of 2021

WEB COPY

To

- 1.The Principal Secretary,
Department of Finance,
Fort St. George,
Chennai – 600 009.
- 2.The Principal Secretary,
Department of School Education,
Fort St. George,
Chennai – 600 009.
- 3.The Secretary to Government,
Finance (Pay Cell) Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 4.The Commissioner of School Education,
O/o. The Commissioner of School Education,
DPI Campus,
Chennai – 600 006.
- 5.The Joint Secretary,
Pay Grievance Redressal Committee,
Department of Finance,
Secretariat, Fort St. George,
Chennai – 600 009.



WEB COPY



W.P.(MD)No.8245 of 2021

L.VICTORIA GOWRI, J.

Mrn

W.P.(MD)No.8245 of 2021

16.07.2024