



W.P.(MD).No.9412 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.9412 of 2023

K.Murugeshwari

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Finance (CMPC) Department,
Fort St.George,
Chennai -09.
2. The Joint Director (Vocational)
of School Education,
College Road,
Chennai – 06.
3. The Principal Accountant General (G&SSAR)
“Lekha Pariksha Bhavan”
No.361, Anna Salai,
Teynampet, Chennai – 600 018.
4. The Chief Educational Officer,
Office of the Chief Educational Office,
Thallakulam, Madurai.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to re-fix pay scale of petitioner by fixing the Grade Pay as Rs.5,400/- from 01.01.2011 by extending the benefits of the G.O.(Ms) No.306, Finance (CMPC) Department, dated 12.09.2018 and consequently to pay the amount within the time limit stipulated by this Court in the light of judgment passed by the Hon'ble Court, Madras in W.P.No.28695 of 2013, dated 02.09.2020.

For Petitioner : Mr.R.Saravanan

For R1, R2 & R4 : Mr.J.Ashok
Additional Government Pleader

For R3 : Mr.P.Gunasekaran
Standing Counsel

ORDER

The instant Writ Petition has been filed by a Vocational Instructor Grade-II, seeking a Mandamus to direct the respondents to re-fix the pay scale of petitioner by fixing Grade Pay as Rs.5,400/- from 01.01.2011 by extending the benefits of G.O.(Ms) No.306, Finance (CMPC) Department, dated 12.09.2018.

2. A perusal of the writ affidavit indicates that the petitioner was initially appointed as a Double Part Time Vocational Instructor on



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19.07.1991. Later, on 10.06.2002, the petitioner was absorbed to the regular time scale of pay as Vocational Inspector Grade -II with monetary benefits from 08.07.2004 onwards. The petitioner has been conferred the Selection Grade on 09.06.2012 and the Special Grade Pay with effect from 09.06.2022 onwards. These facts are not in dispute.

3. Paragraph No.8 of G.O.(Ms) No.306, Finance (CMPC) Department, dated 12.09.2018 is extracted as follows:

“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. A perusal of the above said clause clearly reveals that the said Government Order is applicable only to the Vocational Instructors who were awarded Selection Grade prior to 01.01.2006 or they should have been awarded Selection Grade between 01.01.2006 and 31.05.2009 and opted for



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the revised scales of pay. In the present case, admittedly the petitioner has been conferred with the Selection Grade Pay only on 09.06.2012 and therefore, there is no dispute with regard to the non-applicability of the above said Government Order.

5. In view of the fact that the petitioner has not been able to establish any legal right, the question of issuing a Mandamus to consider the representation of the petitioner for extension of the benefits under the above said Government order does not arise and there are no merits in this Writ Petition.

6. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

24.09.2024

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