



WP(MD). No.13695 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 26/06/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

WP(MD). No.13695 of 2024

M.V.Sundaram

... Petitioner

Vs

**1. The State of Tamil Nadu,
Rep.By its Secretary to Government,
Finance Department, Fort St.George,
Chennai 600009..**

**2. The State of Tamil Nadu,,
Rep. by Secretary to Government,
School Education Department,
Fort St.George,
Chennai 600 009..**

**3. The Joint Director (Vocation,
Al), Directorate of School Education,
Dpi Compound, College Road,
Chennai 600 006..**

... Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned letter issued by the 1st respondent dated 31.12.2020 bearing Letter No.21110/Pa.Ka6(1)/ 2020-1 and quash

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WP(MD). No.13695 of 2024

the same and direct the respondents to Re-Fix the scale of pay of the petitioner at Rs.2000-3500 w.e.f 05.10.1996 on par with the scale of pay sanctioned to Mr.Narayanasami under G.O.Ms.No.327 dated 18.11.2013.

For Petitioner : Mr.R.Saravanan
For Respondents : Mr.T.Amjad Khan

ORDER

The writ petition has been filed challenging the impugned order of the 1st respondent dated 31.12.2020 and to direct the respondents to re-fix the scale of pay of the petitioner at Rs.2000-3500 w.e.f 05.10.1996 on par with the scale of pay sanctioned to Mr.Narayanasami under G.O.Ms.No.327 dated 18.11.2013.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3. By consent, the writ petition itself is taken up for final disposal.



WP(MD). No.13695 of 2024

4. The petitioner was appointed as Vocational Instructor on 16.06.87 and his services were regularised on 16.10.1992 and he has also retired from service on 31.05.2019. The Government issued G.O.Ms.No. 834 dated 23.09.1994, G.O.Ms.No.967 dated 16.10.1992 ordering that the services of double part time instructors be regularised in the time scale of pay of Rs.1400-40-1600-50-2300-60-2600 as per G.O.Ms.No. 712 dated 28.05.1990 with effect from 05.10.1996. Pursuant to the said regularization, the part time instructors became full time instructors. Through G.O.Ms.No.840 dated 31.07.1990, an amendment has been made to the effect that the agricultural instructors were entitled for the basic pay of Rs.2,000-3500. Since the petitioner is also entitled as per the said G.O., he has given a representation. However, the same has been rejected and hence, the petitioner is before this Court.

5. The learned counsel for the petitioner submitted that since similarly placed persons were granted the relief as per G.O.Ms.No.840 dated 31.07.1990, the same relief may also be granted to the petitioner herein. He further submitted that this Court vide judgment dated 14.08.2014 in WA(MD) No.1344/2013 has made a threadbare discussion



WP(MD). No.13695 of 2024

regarding the aforesaid Government orders and G.O.Ms.No.840 dated 31.07.1990 and the said decision is squarely applicable to the facts of the present case.

6. However, the learned Government Advocate submitted that the petitioner is having B.Com., degree and hence, he is not entitled for the said relief.

7. In similar claim made by the petitioner in WP No.22757/2021, vide order dated 09.01.2024, this Court has granted the relief to the petitioner therein by observing as under:

“5. In fact, the Computer Instructor can take class for vocational stream and the vocational teacher has also been extended with the benefit of 5th pay commission and his salary has been revised as Rs.2000 -3500. In fact in the above decision relied by the petitioner also it is seen that the teacher who got the benefit is from vocational stream. Since the petitioner is a Computer Instructor and he is also taking classes for +2 students, his services should also be recognised as teaching service or the teaching staff of vocational stream. Since the similarly placed person has already been given with the benefit and that has been upheld by the orders of this Court, this Writ Petition is deserved to be allowed.”



WP(MD). No.13695 of 2024

WEB COPY

8. Since the petitioner herein is also similarly placed as that of the petitioner in WP(MD) No.22757/2021, dated 09.01.2024 and in view of the judgment in WA(MD) No.1344/2013 dated 14.08.2014, the writ petition is allowed and the impugned order of the first respondent dated 31.12.2020 is set aside.

26.06.2024

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TO

1. The Secretary to Government,
Finance Department, Fort St.George,
Chennai 600009..
2. The Secretary to Government, School
Education Department, Fort St.George,
Chennai 600 009..
3. The Joint Director (Vocation,
AI), Directorate of School Education,
Dpi Compound, College Road, Chennai 600
006..



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WP(MD). No.13695 of 2024

R.N.MANJULA,J

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**ORDER
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