



WP(MD). No.16610 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 24.07.2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

**WP(MD). No.16610 of 2024
and WMP(MD). No.14380 of 2024**

M.V.Sundaram

... Petitioner

Vs

1. The Principal Secretary to The Government,
Finance Department, Fort. St. George, Chennai - 9.
 2. The Principal Secretary to the Government,
School Education Department,
Fort. St. George, Chennai -9.
 3. The Director of School Education,
Directorate of School Education,
DPI Complex, College Road, Chennai.
 4. The Accountant General,
O/o.The Accountant General (A and E),
No.361, Anna Salai, Teynampet, Chennai - 600 018.
 5. The Joint Director (Vocational),
Directorate of School Education, DPI Complex,
College Road, Chennai.
- ... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for



WP(MD). No.16610 of 2024

the records relating to the impugned remarks in Admissibility report vide PPO No.R2323417 dated 12.06.2020 issued by the 4th respondent and quash the same as illegal and consequently direct the respondents herein to extend the benefits of Additional Fitment table issued in Government vide Letter No.51082/Paycell/2010-1 dated 15.09.2010, as per Rule 4(i) and (iii) of the Tamil Nadu Revised Scale Pay Rules 2009 and consequently revise the pensionary benefits of the writ petitioner with all monetary benefits and arrears within the time limit fixed by this Court.

For Petitioner : Mr.A.L.Kannan,

For R1 to R3 : Mr.J.Ashok
& R5 Additional Government Pleader

For R4 : Mr.P.Gunasekaran

ORDER

Heard Mr.AL.Kannan, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 to 3 and 5 and the learned counsel for the respondent No.4.

2. This Writ Petition has been filed challenging the impugned proceedings of the 4th respondent and consequently direct the respondents herein to extend the benefits of Additional Fitment table



WP(MD). No.16610 of 2024

issued in Government vide Letter No.51082/Paycell/2010-1 dated 15.09.2010, as per Rule 4(i) and (iii) of the Tamil Nadu Revised Scale Pay Rules 2009 and consequently revise the pensionary benefits of the writ petitioner herein with all monetary benefits and arrears within the time limit fixed by this Court.

3. The petitioner was a Vocational Teacher. The first respondent implemented the 6th Pay Commission vide G.O.No.234, Finance (Pay Cell) Department, dated 01.06.2009 and revised pay was implemented with effect from 01.01.2006. Consequent to the implementation of the 6th Pay Commission, the Government issued Tamil Nadu Revised Pay Scale Rules, 2009. According to the said Rules, the petitioner is entitled to fix his pay by getting the benefit of Rule 4(1)(iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009. However, the above benefit was rejected to the petitioner by misconstruing the pay fixation of selection grade pay that is allowed for the employees, who have completed 10 years of qualifying service for selection grade.

4. The issue is no longer *res-integra*. This Court has already dealt



WP(MD). No.16610 of 2024

with a similar issue in ***W.P.No.15570 of 2021 etc., batch, dated 29.02.2024 (C.Arumugam Vs. The Government of Tamil Nadu, rep. by its Secretary, Finance (Pay Cell) Department, Fort St.George, Chennai and others)***. 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. 51082/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)



WEB COPY



WP(MD). No.16610 of 2024

(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



WP(MD). No.16610 of 2024

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. ”

5. Since the above judgment is squarely applicable to the case of the petitioner, in the line of the earlier order, the Writ Petition is allowed and the impugned order dated 12.06.2020 of the 4th respondent is quashed and the respondents are directed to continue to pay the benefits in accordance with Rule 4 (i) & (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009 and Additional Fitment Table-15. No costs. Consequently connected Miscellaneous Petition is closed.

24.07.2024

NCC : Yes/No
Index : Yes/No
RR



WP(MD). No.16610 of 2024

To

1. The Principal Secretary to The Government,
Finance Department,
Fort. St. George, Chennai - 9.
2. The Principal Secretary to the Government,
School Education Department,
Fort. St. George, Chennai -9.
3. The Commissioner of School Education,
Directorate of School Education,
DPI Complex, College Road,
Chennai.
4. The Accountant General,
O/o.The Accountant General (A and E),
No.361, Anna Salai,
Teynampet, Chennai - 600 018.
5. The Joint Director (Vocational),
Directorate of School Education,
DPI Complex,
College Road, Chennai.



WEB COPY



WP(MD). No.16610 of 2024

R.N.MANJULA, J.

RR

W.P.(MD)No.16610 of 2024

24.07.2024