



W.P.(MD)No.16301 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.16301 of 2024

J.Anjanadevi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Finance Department,
Fort St.George, Chennai-600 009.

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

3.The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai-600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to re-fix the scale of pay of the petitioner's Husband G.Janarathanam at Rs.2,000-3,500 with effect from 16.10.1992 on par with the scale of pay sanctioned to Mr.Narayanasamy under G.O.Ms.No.327 dated 18.11.2013.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.M.Siddharthan

Additional Government Pleader



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ORDER

Heard Mr.R.Saravanan, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader for the respondents.

2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The petitioner's husband was appointed as Vocational Instructor on 23.07.1979 and his services were regularised on 01.04.1990 and he also retired from service on 30.09.2014 and died on 05.06.2023. The Government issued G.O.Ms.No. 834 dated 23.09.1994, G.O.Ms.No.967 dated 16.10.1992 for regularizing the services of double part time instructors 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's husband is also entitled as per the said G.O., the petitioner has given a representation. However, the same has been rejected and hence, the petitioner is before this Court.



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4..This Court has allowed the writ petition filed by a similarly placed person in W.P.(MD)No.5766 of 2008 by an order dated 05.03.2012 after having dealt with the matter at length and by granting the relief as per G.O.Ms.No.840, dated 31.07.1990. Challenging the same, the Department had filed an appeal in W.A.(MD)No.1344 of 2013, in which this Court by order dated 14.08.2014 has made a threadbare discussion regarding the said Government Orders and dismissed the writ appeal with the following observations:

“22. Further, on a deep scrutiny of the materials available on record, we find that there is no need to refer the matter to a Larger Bench, since there are no conflict verdicts on the issue on hand and it cannot be said that the order passed by the Division Bench of this Court (EDRJ & RPSJ) is a non-speaking order, for the reason that the Division Bench of this Court had considered the issue and upheld the order passed by the learned Judge (D.Hariparanthaman,J) in W.P.No. 32121 of 2006. It is also not correct to state that the Honourable Supreme Court simply dismissed the Special Leave Petition without dealing with the correctness of the matters.

23. In such circumstances, we find that the order passed by the learned Judge (K.Ravichandra Baabu,J) in W.P(MD)No.5766 of 2008, dated 05.03.2012, by following the earlier order passed by the learned Judge (D.Hariparanthaman,J), in W.P.No.32121 of 2006, dated 05.01.2010, which was ultimately confirmed by the Honourable Apex



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Court, is in accordance with law and no interference at the hands of this Court is warranted. Accordingly, we find no cause or reason to differ with the same.”

5.Since the petitioner's husband is also similarly placed as that of the petitioner in W.P.(MD)No.5766 of 2008 and in view of the judgment in W.A.(MD)No.1344 of 2013 dated 14.08.2014, this writ petition is allowed and the respondents are directed to consider the representation of the petitioner dated 04.04.2024 and pass suitable orders on par with the scale of pay granted to G.Narayanasami as per G.O.Ms.No.327, dated 18.11.2013 within a period of four weeks from the date of receipt of a copy of this order. No costs.

22.07.2024
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NCC:yes/no
Index:yes/no
Internet:yes/no
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- To
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 - 2.The Secretary to Government,
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 - 3.The Joint Director (Vocational),
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R.N.MANJULA, J.

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