



WP(MD). No.16352 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 22.07.2024

CORAM

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

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S.Basheer Ahamed

... 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 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 Mandamus, directing the respondents herein to refix the scale of pay and consequential retirement monetary



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benefits by way of granting the benefits of Additional Fitment Table 15 and Rule 4(i) and (iii) of the Tamil Nadu Revised Scale pay Rules, 2009 within the time stipulated by this Court.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

Heard Mr.R.Saravanan, learned counsel appearing for the petitioner and Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents.

2. This Writ Petition has been filed for a Mandamus seeking direction against the respondents to refix the scale of pay and consequential retirement monetary benefits by way of granting the benefits of Additional Fitment Table 15 and Rule 4(i) and (iii) of the Tamil Nadu Revised Scale pay Rules, 2009 within the time stipulated by this Court.



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3. The petitioner is a retired 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 Scales of Pay Rules, 2009. According to the said Rules, the petitioners are entitled for fixation of pay by getting the benefit of Rule 4 (i) & (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009. The petitioners were getting the basic pay of Rs.7300/- as on 01.01.2006 and they were entitled for revision of basic pay of Rs. 21,960/-. Hence, the petitioner was granted with the said benefits. However, audit objection had been raised during 2014 stating that the petitioner was not entitled for the benefits. The claim of the petitioner is that even though the audit objection raised in the year 2014, he was receiving the benefits till date without hindrance. In this regard, the petitioner made a representation to the respondents on 06.07..2024 stating that no order or communication had been issued so far with regard to audit objection and seeking to pay continuously the said



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benefits without adhering to the audit objection.

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



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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) (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



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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 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** as prayed for 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.

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NCC : Yes/No
Index : Yes/No
RR



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R.N.MANJULA, J.

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