



W.P.(MD)No.17174 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17174 of 2024

P.Rathinam

... Petitioner

vs.

- 1.The Principal Secretary to Government,
Finance Department,
Fort St.George, Chennai -9.
- 2.The Principal Secretary to Government,
School Education Department,
Fort St.Geroge, Chennai.
- 3.The Commissioner of School Education,
Directorate of School Education,
DPI Complex College Road, Chennai.
- 4.The Accountant General,
Office of the Accountant General (A & E),
361, Anna Salai,
Teynampet, Chennai.
- 5.The Joint Director (Vocational)
Directorate of School Education,
DPI Complex College Road,
Chennai - 600 006.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing to 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 Tamilnadu Revised Scale pay rules 2009 and consequently revise the pensionary benefits of writ petitioner with all monetary benefits by considering the representation dated 08.06.2024 given by the writ petitioner within a stipulated time.

For Petitioner : Mr.A.L.Kannan

For Respondents : Mr.J.Ashok
Additional Government Pleader
for R1, R2 & R5
Mr.T.Amjadkhan
Government Advocate for R3
Mr.P.Gunasekaran
Standing counsel for R4

ORDER

Heard Mr.A.L.Kannan, learned counsel appearing for the petitioner Mr.J.Ashok, learned Additional Government Pleader for the respondents 1 and 2, Mr.T.Amjadkhan, learned Government Advocate for the third respondent and Mr.P.Gunasekaran, learned standing counsel for fourth respondent.



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2. The petitioner has filed this petition seeking to issue a Writ of Mandamus directing the respondents herein to extend the benefits of Additional Fitment table issued in Government Letter No.51082/Pay cell/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 his pensionary benefits with all monetary benefits within a stipulated time.

3. The petitioner is 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 Scales of Pay Rules, 2009. According to the said Rules, the petitioner is entitled for fixation of pay by getting the benefit of Rule 4 (i) & (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009. Seeking a direction to the respondents to extend the above said benefit, this petition is filed.



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4. The issue on hand is no longer a *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 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,



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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 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. In the light of the decision *cited supra*, the writ petition is **allowed** and the respondents are directed to consider the representation of the petitioner dated 08.06.2024 and extend the benefit of Additional



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Fitment Table in Government Letter No.51082/Paycell/2010-1, dated 15.09.2010 in accordance with Rule 4 (i) & (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009 and consequently revise the petitioner's pensionary benefits with all monetary benefits. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. No costs.

26.07.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To
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R.N.MANJULA, J.

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