



W.P.(MD)No.17293 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17293 of 2024 &
W.M.P.(MD)No.14888 of 2024

L.Kalyanasundaram

... Petitioner

VS.

- 1.The Principal Secretary to Government,
Finance Department,
Fort St.George,
Chennai.
- 2.The Principal Secretary to Government,
School Education Department,
Fort St.George,
Chennai.
- 3.The Principal Accountant General (A&E)
Tamil Nadu,
361, Anna Salai,
Chennai - 600 018.
- 4.The Director of School Education,
DPI Compound,
College Road,
Chennai - 600 006.
- 5.The Joint Director (Vocational)
Directorate of School Education,



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DPI Compound, College Road,
Chennai - 600 006.

6.The Chief Educational Officer,
O/o.Chief Educational Officer,
Madurai.

7.The Secretary,
A.V. Higher Secondary School,
Velliambalam,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.26618/V1/E3/2021 dated 03.12.2021 on the file of the respondent No.5 and quash the same as illegal in so far as the petitioner is concerned and consequently for a direction to the respondents to revise the basic pay of the Petitioner as Rs. 22,460/- as per the additional fitment table 15 and Rule 4(i) and (iii) of the Tamil Nadu revised Scale of pay rules, 2009 with all consequential benefits including re-fixation of scale of pay and pension within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.J.Ashok
Additional Government Pleader
for R1, R2, R5 and R6



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Mr.T.Amjadkhan
Government Advocate for R4

Mr.P.Gunasekaran
Standing Counsel for R3

ORDER

Heard Mr.T.Aswin Raja Simman, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1, 2, 5 & 6, Mr.T.Amjadkhan, learned Government Advocate appearing for the fourth respondent and Mr.P.Gunasekaran, learned Standing Counsel appearing for the third respondent.

2. The petitioner has filed this petition seeking to quash the impugned order of the fifth respondent in Na.Ka.No.26618/V1/E3/2021 dated 03.12.2021 in so far as the petitioner is concerned and consequently direct the respondents to revise his basic pay as Rs.22,460/- as per the additional Fitment table 15 and Rule 4(i) and (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009 with all consequential benefits including re-fixation of scale of pay and pension within a stipulated time.



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3. The petitioner is a Vocational Teacher. The first respondent implemented the 6th Pay Commission vide G.O.Ms.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. Since the said benefit is denied to him, the petitioner has come up with this petition.

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, 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.



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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. ”



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5. In the light of the decision *cited* supra, the writ petition is **allowed** and the impugned order of the fifth respondent in Na.Ka.No. 26618/V1/E3/2021 dated 03.12.2021 is quashed in so far as the petitioner is concerned and the respondents are directed to revise the petitioner's basic pay as per the additional Fitment table 15 and Rule 4(i) and (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009 and also grant consequential monetary benefits including pension. Such exercise shall be completed within a period of six weeks from the date of receipt of copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

26.07.2024

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

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R.N.MANJULA, J.

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