



W.P.(MD)No.17393 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.17393 of 2024

M.Rajendran

... Petitioner

vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Secretariat, Chennai.

2.The Accountant General,
(Accounts & Entitlement)
Tamil Nadu, Chennai.

3.The Director of School Education, Chennai.

4.The Chief Educational Officer, Trichy,

5.The District Educational Officer,
Musiri,
Trichy District.

6.The Headmaster,
Nehru Higher Secondary School,
Puthanampatti,
Musuri Taluk,
Trichy District.

... 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 to refix the scale of pay as per Additional Fitment Table 15 and Rule 4 (1) and (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009 and settle the consequential pensionary benefits by considering the petitioner's representation dated 27.05.2024.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.M.Siddharthan
Additional Government Pleader
for R1, R3 to R5

Mr.G.Karthik
Standing Counsel for R2

ORDER

Heard Mr.V.Panneer Selvam, learned counsel appearing for the petitioner, Mr.M.Siddharthan, learned Additional Government Pleader for the respondents 1, 3 to 5 and Mr.G.Karthik, learned Standing Counsel for the second respondent.

2. The petitioner has filed this petition seeking to direct the respondents to refix the scale of pay as per Additional Fitment Table 15



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and Rule 4 (1) and (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009 and settle the consequential pensionary benefits by considering the his representation dated 27.05.2024.

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 (1) & (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.

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,***



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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



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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 27.05.2024 and re-fix the scale of pay as per



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Additional Fitment Table 15 and Rule 4 (1) and (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

- 1.The Secretary,
School Education Department,
Secretariat, Chennai.
- 2.The Director of School Education, Chennai.
- 3.The Chief Educational Officer, Trichy,
- 4.The District Educational Officer,
Musiri,
Trichy District.



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R.N.MANJULA, J.

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