



W.P.(MD)No.18768 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.18768 of 2024

N.Muthuganesan

... Petitioner

vs.

1.The Chief Educational Officer,
Madurai District, Tallakulam,
Madurai 625 002.

2.The District Educational Officer,
Mellur, Madurai District – 625 106.

3.The Secretary,
MAVMM Higher Secondary School,
Yanaikkal, Madurai – 625 001,
Madurai District.

4.The Secretary to Government,
School Education Department,
Fort St.Geroge,
Chennai. -9.

...Respondents

(R4 is suo motu impleaded vide order of this Court dated 02.08.2024.)

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the respondents 1 and 2



W.P.(MD)No.18768 of 2024

herein to refix petitioner's revised selection grade scale of pay as per Rule 4(i) and (iii) of the Tamil Nadu revised Scale pay rules 2009 and additional Fitment Table No.15 of the Government Letter No.51082/Pay Cell /2010-1 dated 15.09.2010 from 01.01.2006 on wards to 30.06.2022 along with arrears of salary by considering petitioner's representation dated 01.07.2024.

For Petitioner : Mr.E.V.N.Siva
For Respondents : Mr.T.Amjad Khan (R1, R2 & R4)
Government Advocate

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.E.V.N.Siva, learned counsel appearing for the petitioner and Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents 1, 2 and 4.

3. This petition has been filed seeking direction to the respondents 1 and 2 herein to refix petitioner's revised selection grade



W.P.(MD)No.18768 of 2024

scale of pay as per Rule 4(i) and (iii) of the Tamil Nadu revised Scale pay rules 2009 and additional Fitment Table No.15 of the Government Letter No.51082/Pay Cell /2010-1 dated 15.09.2010 from 01.01.2006 on wards to 30.06.2022 along with arrears of salary by considering petitioner's representation dated 01.07.2024.

4. 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.

5. 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,***



W.P.(MD)No.18768 of 2024

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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 :

“5. There is no dispute on the point that pay band alone be taken for addition. The above Fitment method of giving one increment addition is in view of considering the fact that the persons who put more number of service should not get equal pay as that of their far below juniors. Taking into account of the service rendered by the seniors in the same cadres, the above increment for one bunching effect is given. If the same benefit is not given and the pay is fixed devoid of such addition of 3%, naturally the persons who have put many years of service as Vocational Teachers and their juniors would be getting the revised basic pay only a 21000 uniformly.

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



W.P.(MD)No.18768 of 2024

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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.

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.”

6. Considering the nature of the case and also in the interest of justice, the Secretary to Government, School Education Department, Fort St.Geroge, Chennai. -9 is suo motu impleaded as fourth respondent.



W.P.(MD)No.18768 of 2024

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

02.08.2024

NCC: Yes/No
Index : Yes/No
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W.P.(MD)No.18768 of 2024

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W.P.(MD)No.18768 of 2024

R.N.MANJULA, J.

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W.P.(MD)No.18768 of 2024

02.08.2024