



W.P.(MD)No.18604 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.18604 of 2023 &

W.M.P.(MD)No.15443 of 2023

1. V.Ponnammal
 2. S.T.Muthukumaran
 3. R.Paul Raj
 4. S.Sankaranarayana Pillai
 5. N.Gopalakrishnan
 6. L.Bhagavatheeswari
 7. A.Alphonse Mary
 8. C.John Benadi
 9. G.Jansi Rani
 10. G.Suresh Babu
 11. P.Vijaya Vikrama Kumar
 12. P.Rajan Paul Raj
 13. D.Vincent Rajan
 14. S.Antony Marcelin
 15. V.Arul Prabhakaran
 16. N.Mathias
 17. C.Ramakrishnan
 18. R.K.Murugan
 19. P.Subhavel
 20. A.Mohamed Mustafa
 21. E.Sheila Padmini
 22. C.Issac Manoharan
- ... Petitioners

VS.



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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 Joint Director (Vocational)
Directorate of School Education,
DPI Complex College Road,
Chennai - 600 006.

5.The Chief Educational Officer,
Kanyakumari District,
Nagercoil - 629 001.

6.The Accountant General,
Office of the Accountant General (A & E),
361, Anna Salai,
Teynampet, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to extend the benefits of Additional Fitment table issued in Government vide 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 the pensionary benefits of writ petitioners with all monetary benefits by within a stipulated time.



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For Petitioner : Mr.M.Saravanakumar
For Respondents : Mr.J.Ashok
Additional Government Pleader
for R1 to R5
Mr.P.Gunasekaran for R6

ORDER

Heard Mr.M.Saravanakumar, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for R1 to R5 and Mr.P.Gunasekaran, learned counsel for R6.

2. The petition filed in W.M.P.(MD)No.15443 of 2023 seeking to permit the petitioners to file a single writ petition is dismissed and the following order is passed in respect of the first petitioner alone. However, liberty is given to the petitioners 2 to 22 to file fresh separate writ petitions on the same cause of action.

3. The first 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



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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 her pensionary benefits with all monetary benefits within a stipulated time.

4. The first 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 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. 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, dated 29.02.2024 (C.Arumugam Vs. The Government of Tamil Nadu,***



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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.



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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 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*



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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. ”

6. In the light of the decision *cited supra*, the writ petition is **allowed** and the respondents are directed to consider the case of the first 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 first 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.

10.07.2024

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

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To
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- 1.The Secretary to Government,
Department of Registration and Commercial Taxes,
Secretariat, Chennai - 9.
- 2.The Inspector General of Registration,
100, Santhome High Road,
Raja Annamalai Puram,
Chennai - 28.
- 3.The District Registrar,
O/o.The District Registrar,
Pattukottai, Thanjavur district.
- 4.The Treasury Officer,
O/o.The Treasury Office,
Thanjavur.
- 5.The Assistant Treasury Officer,
O/o.The Treasury Office,
Thanjavur.



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R.N.MANJULA, J.

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