



W.P.(MD) No.10304 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

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K.Mareeswari

... Petitioner

-VS-

- 1.The Principal Secretary to
Government of Tamil Nadu
Finance (PC) Department
Fort St.George
Chennai-600 009
- 2.The Secretary to Government
of Tamil Nadu
School Education Department
Chennai-09
- 3.The Director of Elementary
School Education
Chennai-06
- 4.The District Elementary
Educational Officer
Dindigul
Dindigul District



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5.The Additional Assistant
Elementary Educational Officer
Office of the Assistant Elementary
Educational Officer
Vedachandur
Dindigul District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus call for the records from the fifth respondent in his proceedings in Na.Ka.No.1724/a2/2015, dated 23.10.2015 and quash the same and consequently direct the respondents to refix the pay of the petitioner as per the Government letter No.51082/Pay Cell/2010-1, dated 15.09.2010 and its Appendix Additional Fitment Table-15 in the scale of pay 15600-39100+5400 revised basic pay Rs.21960/- calculated from 01.01.2016 with arrears by calculating appropriate increments along interest at rate of 9% per annum.

For Petitioner : Ms.J.Saranya
for Mr.N.Sathish Babu

For Respondents : Mr.J.Ashok
Additional Government Pleader for R1
Mr.T.Amjad Khan
Government Advocate for R2 to R5



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ORDER

This writ petition has been filed challenging the impugned order dated 23.10.2015, passed by the fifth respondent, rejecting the petitioner's request for refixation of her pay as per Government Letter No.51082/Pay Cell/2010-1, dated 15.09.2010 and its Appendix Additional Fitment Table-15 in the scale of pay 15600-39100+5400 revised basic pay Rs.21960/- from 01.01.2016 with arrears by calculating appropriate increments along interest at rate of 9% per annum.

2. The fifth respondent has rejected the request of the petitioner under the impugned order by stating that the above said Government Letter is not applicable for the retired teachers.

3. The petitioner has challenged the impugned order, on the ground that the impugned order is a non-speaking order and it has been passed by total non-application of mind to the Government Letter, dated 15.09.2010 and its Appendix Additional Fitment Table-15.



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4. According to the petitioner, if her request was considered in proper perspective, the respondents would have granted the relief as prayed for by her.

5. A counter affidavit has been filed by the respondents reiterating the contents of the impugned order.

6. However, learned counsel for the petitioner would submit that in a batch of writ petitions involving a similar issue, another learned Single Judge of this Court, by order dated 29.02.2024 in W.P.No.15570 of 2021 batch, has directed the respondents therein to reconsider the pay fixation in terms of the Government Letter, dated 15.09.2010 as is being sought for by the petitioner in this writ petition.

7. As seen from the impugned order, it is a non-speaking order. The Government Letter, dated 15.09.2010, also speaks about the retired teachers. But, under the impugned order, no reason has been given as to why the petitioner being a retired teacher is not entitled for refixation of her pay in



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terms of the aforementioned Government Letter. Excepting for stating that the said Government Letter is not applicable for the retired teachers, no reason has been assigned in the impugned order. The decision relied upon by the learned counsel for the petitioner rendered by the another learned Single Judge of this Court, dated 29.02.2024, in W.P.No.15570 of 2021 batch, in the case of **C.Arumugam vs. The Government of Tamil Nadu and others**, more or less involves a similar issue, wherein the learned Single Judge had allowed the writ petitions and quashed the impugned proceedings and directed the respondents to reconsider the pay fixation and pass orders by refixing the pay of the petitioners therein strictly in accordance with the Additional Fitment Table No.15, which is also sought for in this writ petition by the petitioner. The impugned order being a non-speaking order, necessarily, the same will have to be quashed and the matter has to be remanded back to the file of the fifth respondent for fresh consideration on merits and in accordance with law in the light of the Government Letter dated 15.09.2010 and its appendix Additional Fitment Table-15 as well as the decision rendered by the another learned Single Judge of this Court, dated 29.02.2024, passed in W.P.No.15570 of 2021 batch, in the case of **C.Arumugam vs. The Government of Tamil Nadu and others**.



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8. Accordingly, the impugned order dated 23.10.2015, passed by the fifth respondent, is hereby quashed and the matter is remanded back to the file of the fifth respondent for fresh consideration on merits and in accordance with law in the light of the Government Letter dated 15.09.2010 and its appendix Additional Fitment Table-15 as well as the decision rendered by the another learned Single Judge of this Court, dated 29.02.2024, passed in W.P.No.15570 of 2021 batch, in the case of ***C.Arumugam vs. The Government of Tamil Nadu and others.***

9. In case the fifth respondent rejects the petitioner's request, reasons will have to be given as to why the aforementioned Government Letter dated 15.09.2010 as well as the decision of the another learned Single Judge, referred to supra, is also not applicable to the case of the petitioner. In case the petitioner is found to be eligible to get the relief as prayed for in her representation, the respondents are directed to refix the pay scale of the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order. Final order one way or the other will have to be passed by the fifth respondent, within a period of twelve weeks from the date of receipt of a copy of this order.



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10. With the above directions, this writ petition is disposed of. No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

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Government of Tamil Nadu,
Finance (PC) Department,
Fort St.George, Chennai-600 009.
- 2.The Secretary to Government
of Tamil Nadu,
School Education Department,
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ABDUL QUDDHOSE, J.

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