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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.Nos.7091 and 7353 of 2019

D.Johnson .. petitioner in WP.No.7091 of 2019

P.James .. petitioner in WP.No.7353 of 2019

vs

1. The Government of Tamil Nadu
rep by the Principal Secretary to Government
Finance (pay cell) Department
Fort St.George, Chennai – 9.

2.The Secretary to Government of Tamil Nadu
School Education Department
Fort St.George, Chennai – 600 009.

3.The Director of School Education
College Road, Chennai – 600 006.

4.The Chief Educational Officer
Cuddalore District
Cuddalore.

5.The District Educational Officer
Cuddalore District
Cuddalore.

6.The Secretary
Neyveli Lignite Boys Higher Secondary School
Block No.10, Neyveli
Cuddalore District.

... Respondents in both cases



Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to revise the pay of the petitioner and fix the same in the new pay matrix as per the GO.Ms.No.303 finance pay cell dated 11.10.2017 with effect from 01.01.2016, corresponding to pay band of Rs.15600-39100 + Rs.5400 GP and grant consequential arrears and pass such other further orders.

For Petitioner : Mr.R.Saseetharan
For Respondents : M/s.P.Rajarajeswari, GA for R1 to R5.
Mr.N.Nithianandam for R6.

COMMON ORDER

Heard Mr.R.Saseetharan, learned counsel for the petitioner and M/s.P.Rajarajeswari, learned Government Advocate appearing for the respondents 1 to 5 and Mr.N.Nithianandam, learned counsel appearing for the 6th respondent.

2. Both the writ petitions are filed to direct the respondents to revise the pay of the petitioners and to fix the same in the new pay matrix as per the GO.Ms.No.303 finance pay cell dated 11.10.2017 with effect from 01.01.2016, corresponding to pay band of Rs.15600-39100 + Rs.5400 GP and to grant consequential arrears.



3. The case of the petitioners in brief is that the petitioners were appointed as athletic / football coach on 23.11.1992 and on completion of 10 years of service, they were granted selection grade pay in the year 2002; and that on the 7th pay revision being implemented w.e.f. 01.01.2006 vide GO.Ms.No.234 dated 01.06.2009, they were placed in scale of selection grade as specified in Annexure-I to the letter dated 08.11.2010.

4. It is further case of the petitioner that though the petitioners were extended the benefit of pay the scale in terms of GO.Ms.No.234 dated 01.06.2009, by virtue of letter dated 22.08.2014, the petitioners grade pay was sought to be down graded to Rs.4,800/- as against Grade Pay of Rs.5,400/-, by treating the petitioners employment as equivalent to vocational teacher.

5. Petitioners contended that the aforesaid communication dated 22.08.2014 was subject matter of challenge before the Madurai Bench of this Court in WP.(MD).No.2654 of 2018 and the Court by its order dated 19.03.2018 had held that the aforementioned letter communication runs contrary to the GO; and also that the vocational teachers do not have promotional avenues, while the BT Assistant can be promoted as Head



Masters and as such, the petitioners are entitled to get the Grade Pay of Rs.5,400/-.

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6. The petitioners further contended that since, the coordinate bench of this Court in the aforesaid writ petition having held that the impugned letter dated 22.08.2014 cannot prevail over the GO issued under Article 162 of the Constitution of India, the letter dated nil December 2016, signed on 03.01.2017 by the 5th respondent as sought to made applicable to the petitioners cannot be enforced.

7. It is the further contention of the petitioners that since, the petitioners were placed in Selection Grade prior to 01.01.2006, the petitioners would be entitled to benefit of 7th pay revision, on completion of 10years w.e.f. 01.01.2016, corresponding to Rs.5,400/- Grade Pay which was not been implemented by the respondents, for which, the petitioners have approached this Court vide WP.Nos.4943 and 4944 of 2017 and the said writ petitions were ordered by this Court on 27.09.2023.

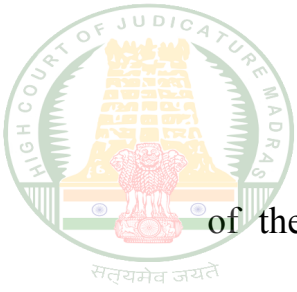
8. The petitioners further contended that pursuant to the order of this Court in WP.Nos. 4943 and 4944 of 2017, the respondents now sought to



give effect to the orders of this Court vide proceedings dated -- February 2025 signed on 26.02.2025 by the 5th respondent, whereby and where under it has been stated as under :

“As per the order of (4) referred above and government orders and letters, the claim of Petitioner is considered. He is working as Football Coach in the cadre of B.T.Assistant. He has no promotional avenues. Taking into account that he moved to selection grade before 01.01.2006, to avoid the contempt proceedings as initiated in reference (9) referred above, the proceedings of this office referred (3) above is confirmed and the individual is allowed to draw pay in pay band of Rs.15600-39100 + 5400 Grade Pay continuously and order is issued accordingly.”

9. Since, the respondents now sought to give the benefit of 7th pay revision with Grade Pay of Rs.5,400/- to the petitioner w.e.f. 01.01.2006, the petitioner would be entitled to pay revision on the Grade pay of Rs.5,400/- w.e.f. 01.01.2016 and the stand taken by the respondent in the counter affidavit cannot be countenanced.



10. Per contra, the learned Government Advocate appearing on behalf of the respondents 1 to 5 fairly submitted that the stand taken by the respondents in the counter affidavit filed in the month of December 2020, now stands altered on account of subsequent proceedings of the 5th respondent dated -- February 2025, whereby, the respondents have acceded to the claim of the petitioner, for being placed in the Grade pay band of Rs.5,400/- w.e.f. 01.01.2006 as they had moved to selection grade prior to 01.01.2006.

11. The learned Government Advocate further submits that in view of the said proceedings, the respondents have accepted the claim of the petitioners of being entitled for selection grade prior to 01.01.2006 and as such they would now be entitled for the benefit of further grade pay revision, after a period of 10 years therefrom.

12. I have taken note of the respective contentions urged.

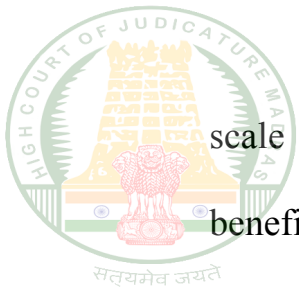
13. While, the petitioners have approached this Court claiming of they being entitled to grade increment in terms of Annexure-I to letter dated 08.11.2010 which was sought to be restricted vide letter dated 22.08.2014,



since, a coordinate bench of this Court vide order dated 19.03.2018 in WP.(MD).No.2654 of 2018 having held the said letter to be contrary to GO.Ms.No.234, and the said order having been followed by another coordinate bench of this Court in WP.Nos.4943 and 4944 of 2017 dated 27.09.2023 and also taking note of the communication dated nil February 2025 signed on 26.02.2025 by the 5th respondent, the main grievance of the petitioners in the present writ petitions stand redressed, as the respondents by the aforesaid communication had now accepted the claim and entitlement of the petitioners for Grade Pay of Rs.5,400/- having moved to selection grade prior to 01.01.2006.

14. Since, the respondents by the aforesaid communication issued during the pendency of the present writ petitions have accepted the claim of petitioners, the petitioners would automatically become entitled for further revision of grade pay after a period of 10 years w.e.f. 01.01.2006, which the respondents are required to grant to the petitioners.

15. Accordingly, the respondents are directed to act on the basis of the communication dated -- February 2025 (signed on 26.02.2025), firstly by extending to the petitioners the benefit of Grade pay in the revised pay



scale of selection grade w.e.f. 01.01.2006 and secondly, by granting the benefit of further revision which is stated to be due w.e.f. 01.01.2016, within a period of four months from the date of receipt of a copy of this order.

16. Subject to the above observation and directions, both the writ petitions are disposed of. No costs.

26.08.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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