



WEB COPY

WP No. 21533 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

**WP No. 21533 of 2018
and W.M.P.No.25286 of 2018**

1. M.Sekar,
55A, 13th Street Swamy Nagar, Otteri
Road, Vellore District - 635 601

Petitioner(s)

Vs.

1. The Principal Secretary,
School Education Department, Govt. of
Tamil Nadu, Fort St. George, Chennai -
600 009

2.The District of School
Education, College Road, Chennai -
600 006

3.The Joint Director of School
Education (Vocational), College Road,
Chennai - 600 006

4.The Principal Accountant
General (A and E), Tamil Nadu,
No.361, Anna Salai, Chennai - 600 018

5.The Regional Accountant



Officer (Audit), School Education
Department, Coimbatore.

WEB

6. The Headmaster,
Government Higher Secondary School,
Ussur, Vellore District.

Respondent(s)

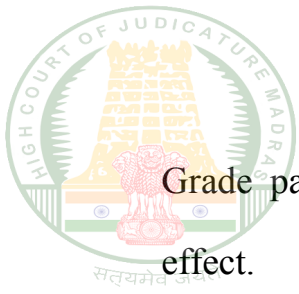
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuing a writ of certiorarified mandamus calling for the records relating to the impugned proceedings of the 5th respondent in Na.Ka.No.1933/E14/2016 dated 07.10.2016 and consequential order passed by the 6th respondent in Na.Ka.No.213/2016 dated 07.11.2016 quash the same and issue a direction, directing the respondents to continue to pay the Grade pay as Rs.5400/- with notional effect from 01.01.2006 and monetary effect from 01.01.2011 to the petitioner.

For Petitioner(s): M/s.R.Saravanakumar

For Respondent(s): Mr.T.Chezhan
Additional Government Pleader
for R1 to R5

ORDER

This writ petition has been filed to quash the impugned proceedings of the 5th respondent in Na.Ka.No.1933/E14/2016 dated 07.10.2016 and the consequential order passed by the 6th respondent in Na.Ka.No.213/2016 dated 07.11.2016 and consequently to direct the respondents to continue to pay the



Grade pay as Rs.5400/- with notional effect from 01.01.2006 and monetary effect.

WEB COPY

2. Mr.R.Saravanakumar, the learned counsel for the petitioner, submitted that in order to ameliorate the anomaly arose due to the refixation of revision of salary on the basis of the Pay Commission recommendation, the Government has issued an order in G.O.Ms.No.263 Finance (Pay Cell) Department dated 22.07.2013. In fact similar such orders have been issued in respect of other categories of employees and the Government has given a clarificatory letter on 08.11.2010 in Letter No.63305 Finance (Pay cell) Department, by giving guidelines for fixing the pay for Selection Grade and Special Grade post and the petitioner claims that the same is applicable to him as well.

3. As per the submission of the learned counsel for the petitioner, the petitioner has reached the Selection Grade in the post of Vocational Teacher in the year 2002 itself and is well within the cut off date of 01.01.2006 and hence he is entitled to the Selection Grade pay of Rs.5,400/- with notional effect from 01.01.2006 and monetary effect from 01.01.2011. Even though the petitioner's pay was fixed by entitling him to get the grade pay of Rs.5,400/-, in view of the subsequent audit objection raised by the fifth respondent on 07.10.2016 the sixth respondent has issued the recovery proceedings on 07.11.2016. Challenging the same, the petitioner has filed this writ petition.



4. On perusal of the Government Order issued in G.O.Ms.No.263 Finance (Pay Cell) Department dated 22.07.2013, the existing scale of pay of vocational teachers fixed at Rs.9,300 – 34,800 + 4,000 Grade Pay has to be revised as Rs.9,300 – 34,800 + 4600 Grade pay. However, the above Government Order would state that the revision of scale of pay shall take notional effect from 01.01.2006 for the purpose of fixation of revised scale of pay and monetary benefit from 01.04.2013.

5. The impugned recovery order has been issued on 07.11.2016 in view of the audit objection raised by the fourth respondent. On perusal of the audit objection dated 07.10.2016 the fifth respondent has raised objection. But the details of the objection has not been attached with the letter dated 07.10.2016 produced by the petitioner. Even though the said objection memo has not been issued directly to the petitioner, he was not able to produce the same.

6. So far as the impugned order of the sixth respondent is concerned it is just a knee jerk action without giving any clarification to the objection raised by the fifth respondent. Even the said order has been passed in a mechanical fashion without even making any reference to the Rules. As per the above Government Order in G.O.Ms.No.263 Finance (Pay Cell) Department dated 22.07.2013, the Government has issued a memo stating that the revisional pay is applicable to all those who are drawing the basic pay of Rs.9300 – 30,800 + 4400 Grade Pay.



7. In fact in pursuant to the decisions passed by the Court in a batch of writ petitions in W.P.Nos.17883 of 2018 & batch dated 11.12.2023, the Government has considered the matter and issued the Government Order to award Rs.5,400 G.P. to the Selection Grade Vocational Inspector. As the petitioner is entitled to the benefit as claimed by him in accordance with G.O.Ms.No.263 Finance (Pay Cell) Department dated 22.07.2013, the impugned order are liable to be quashed.

8. In view of the above stated reasons, this Writ Petition is allowed and the impugned orders passed by the 5th respondent in Na.Ka.No.1933/E14/2016 dated 07.10.2016 and the consequential order passed by the 6th respondent in Na.Ka.No.213/2016 dated 07.11.2016, are hereby quashed and the respondents are directed to continue to pay the Grade pay as Rs.5400/- with notional effect from 01.01.2006 and monetary effect from 01.01.2011, to the petitioner. No costs. Connected miscellaneous petition is closed.

09-04-2025

Index: Yes/No

Speaking/Non-speaking order

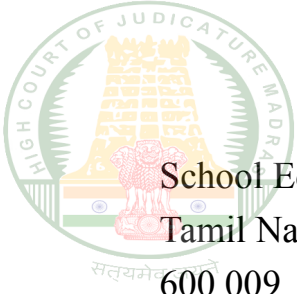
Internet: Yes

Neutral Citation: Yes/No

bkn

To

1. The Principal Secretary,



School Education Department, Govt. of
Tamil Nadu, Fort St. George, Chennai -
600 009

WEB COPY

2.The District of School
Education, College Road, Chennai -
600 006

3.The Joint Director of School
Education (Vocational), College Road,
Chennai - 600 006

4.The Principal Accountant
General (A and E), Tamil Nadu,
No.361, Anna Salai, Chennai - 600 018

5.The Regional Accountant
Officer (Audit), School Education
Department, Coimbatore.

6.The Headmaster,
Government Higher Secondary School,
Ussur, Vellore District.



WEB COPY

WP No. 21533 of 2018



R.N.MANJULA J.

bkn

WP No. 21533 of 2018

09-04-2025