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W.P.No.11870 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 7/3/2025

C O R A M

The Hon'ble **Ms.JUSTICE BHAVANI SUBBAROYAN**

Writ Petition No.11870 of 2023
a n d
W.M.P.Nos.11768 and 11769 of 2023

M. Sekar ... Petitioner

Vs

1. The Government of Tamil Nadu
rep. By Secretary to the Government
School Education Department
Fort St. George
Chennai 9.
2. The Secretary
Government of Tamil Nadu
Finance Department
Fort St. George
Chennai 9.
3. The Commissioner of School Education
College Road
Chennai 6.
4. The Joint Director of School Education (Vocation)
College Road
Chennai 6.



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5. The Headmaster
Government Boys Higher Secondary School
Odugathur
Vellore District.

6. The Branch Officer
C/o Accountant General (A & E)
361 Anna Salai
Chennai.

...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the respondents in relation to the proceedings issued in No.AG (A & E)/PENP09/10925625/1/R0925625/531 dated 13/7/2022 by the sixth respondent and quash the same and issue a consequential direction to the respondents not to reduce or alter the pay of petitioner on appointment to the post of P.G.Assistant in Commerce from the post of Vocational Instructor by way of recruitment by transfer on 16/11/2019 and to sanction all the pensionary benefits.

For petitioner ...

Mr.R.Saseetharan

For respondents ...

Mr.S.Prabhakaran
Government Advocate (Edn)
for R.R.1 to 4

Mrs.Hemamurali Krishnan
for R.6



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ORDER

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passed by the sixth respondent in No.AG (A & E)/PENP09/10925625/1/R0925625/531 and consequently, direct the respondents not to reduce or alter the pay of petitioner on appointment to the post of P.G.Assistant in Commerce from the post of Vocational Instructor by way of recruitment by transfer on 16/11/2019 and to sanction all the pensionary benefits.

2. The brief facts that are necessary for the disposal of the writ petition are as follows:-

The petitioner was initially appointed as Single Part Time Vocational Instructor by the Headmaster of the School in Auditing and Accountancy on consolidated pay at Government Boys Higher Secondary School, Ussoor, Vellore District on 5/1/1987 which was approved by the Proceedings of the Chief Educational Officer, Vellore District, dated 12/2/1987. Thereafter, he was absorbed as Vocational Instructor Grade – I in regular time scale of pay



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of Rs.1400-2600 from 23/9/1994. The said scale of pay is equal to the scale of pay of B.T.Assistant. The petitioner's service was regularised in the post of Vocational Instructor Grade – I with effect from 16/10/1992 by the Proceedings of the Joint Director of School Education dated 31/5/2007 in the regular time scale of pay. By the Proceeding dated 26/4/2008 of the Chief Educational Officer, Vellore District, probation period of the petitioner was declared. In G.O.Ms.No.6 dated 4/1/2000, Government has framed Adhoc Service Rules for the post of Vocational Instructor and scale of pay for the said post is Rs.1400-2600 from 1/6/1988 and Rs.5500-8500 from 1/1/1996. In the selection grade of pay, his scale of pay was fixed at Rs.6500-10500, as per the revised scale of pay introduced by the Government of Tamil Nadu from 1/1/1996.

3. The Government of Tamil Nadu has introduced a revised scale of pay for 8th time to its employees from 1/1/2016 with monetary benefit from 1/10/2017. As per the said revision of pay, pay of the petitioner has been fixed at pay level – 22, Index No.20 at Rs.90,000/- in the pay matrix of Rs.56,100-177500. The petitioner was retired from service on 30/6/2022. His last drawn pay was fixed at Rs.1,07,500/- and his pension proposal was



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forwarded to the Accountant General, while sanctioning pensionary benefits, Accountant General has reduced the petitioner's grade pay from Rs.5400 – Rs.4800 from 1/4/2013, as per G.O.Ms.No.263 dated 27/7/2013 on the ground that the petitioner was promoted as P.G.Assistant on 22/9/2018 whereas G.O.Ms.No.306 was issued on 12/9/2019 and then only fixed the petitioner's last pay drawn as Rs.97,700/- as against the original pay fixation of Rs.1,07,500/- without giving any notice and opportunity of hearing.

4. Being aggrieved, the petitioner has come up with the instant writ petition, praying for the relief as stated therein.

5. Heard Mr.R.Saseetharan, learned counsel for the petitioner, Mr.S.Prabhakaran, learned Government Advocate (Education) for the respondents 1 to 5 and Mrs.Hema Muralikrishnan, learned counsel for the sixth respondent.

6. The learned Government Advocate appearing for the respondents 1 to 5 would submit that by virtue of interim stay granted by this Court in



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the instant writ petition, as early as on 20/4/2023, amount has not been recovered. He would further submit that the petitioner was retired on 30/6/2022 and his last drawn pay was Rs.1,07,500/-.

7. The learned counsel appearing for the petitioner submitted that this Court in similar matters had directed the respondents to continue to pay the selection grade pay/special grade pay to the petitioner. To substantiate his case, he has produced a copy of the order dated 11/12/2023, made in W.P.Nos.17883 to 17887 of 2018.

8. In such a view of the matter, this writ petition is disposed of, directing the respondents to continue to pay the selection grade pay/special grade pay to the petitioner, subject to the condition that petitioner complies with all the other requirements. No costs. Consequently, connected Miscellaneous Petitions are closed.

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mvs.

Index: Yes/No

Neutral Citation: Yes/No

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