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W.P.No.11885 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 7/3/2025

C O R A M

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

Writ Petition No.11885 of 2023

a n d

W.M.P.Nos.11779 and 11780 of 2023

V.R.Pandu Rangan

...

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 to Government
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 Higher Secondary School
Keel Kodungalur
Tiruvannamalai 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)/PENP11/111 29355/1/R1129355/2022 dated 2/9/2022 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
(Education)
for R.R.1 to 5



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Mrs.Hemamurali Krishnan
for R.6

ORDER

This writ petition has been filed to quash the order dated 2/9/2022 passed by the sixth respondent in No. AG (A&E)/PENP11/111 29355/1/R1129355/2022 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 in Auditing and Accountancy on 29/9/1986 on consolidated pay at Government Model Higher Secondary School, Keel Kodungalur, Tiruvannamalai District. The petitioner was absorbed in regular time scale of pay in the post of Vocational Instructor Grade – II, in regular time scale



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of pay w.e.f., 23/9/1994 by Proceeding of the Chief Educational Officer.

His service was regularised in the post of Vocational Instructor Grade – I with effect from 23/9/1994 on the scale of pay of Rs.1400 – 2600, which is equal to B.T Scale by the proceedings of the Joint Director of School Education, dated 14/5/2010. The petitioner's period of probation was declared as completed by the Proceeding dated 26/10/2010 of the Chief Educational Officer from 22/9/1996.

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.87,400/-. The petitioner was retired from service on 31/8/2022. His last drawn pay was fixed at Rs.1,10,700/- and his pension proposal was forwarded to the Accountant General. While sanctioning pensionary benefits, Accountant General has reduced the petitioner's pay from Rs.97,700 (Level – 18 Cell 33) on the ground that the Accountant General has sought clarification to add 50% of Part Time service as qualifying service, as per G.O.Ms.No.194 dated 12/9/2018.



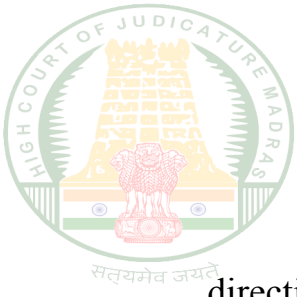
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4. Being aggrieved, the petitioner has come up with the instant writ petition, praying for the relief as stated therein.

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 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 31/8/2022 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.



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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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