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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No. 21601 of 2014

D.Shanthi ... Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. by Secretary to the Government,
Finance (Pay Cell) Department,
Fort St. George, Chennai 600 009.

2.The Secretary to the Government,
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 Regional Accounts Officer (Audit),
Coimbatore Region, Education Department,
Coimbatore.

5.The Chief Educational Officer,
Salem District, Salem.

6.The Headmaster,
Government Higher Secondary School,
Mettur Dam, Salem District. ... Respondents

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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in relation to para 3 of the G.O.Ms.No.263 Finance (Pay Cell) Department dated 22.07.2013 and quash the same in so far as it gives monetary benefits to the petitioner with effect from 01.04.2013 and in so far as the petitioner is concerned and issue a consequential direction to the respondent to grant the revised scale of pay of Rs.9300-34800 + 4600 to the Vocational Instructor, like the petitioner with monetary benefit from 01.01.2011 and grant all consequential benefits to the petitioner.

For Petitioner : Mr.R.Saseetharan

For respondents : Ms.Akila Rajendran
Government Advocate.

COMMON O R D E R

The brief facts that are relevant for disposal of this writ petition is as under:

1.1.The petitioner has been working as Vocational Instructor in school education department. The pay and allowances of the petitioner herein is being fixed on par with the B.T. Assistants working in the school education department. Though the B.T. Assistants working in the school education department were extended the benefit of revision of pay scales by issuing G.O.Ms.No.23 Finance (Pay Cell) Department, dated 12.01.2011, the said

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benefit was not extended to the Vocational Instructors and other certain categories of the employees working in the school education department. Under those circumstances, the petitioner raised a grievance and accordingly, the same was considered by the Pay Grievance Redressal Cell constituted in government order in G.O.Ms.No.123, Finance (Pay Cell) Department, dated 10.04.2012 and accordingly, basing upon the recommendations made by the said grievance redressal cell, the Government issued order in G.O.Ms.No.263 Finance (Pay Cell) Department, dated 22.07.2013 revising the pay scales of the Vocational Instructors who are in the cadre of B.T. Assistants and certain other categories of employees with retrospective effect from 01.01.2006. However, the monetary benefit was extended only from 01.04.2013. It is aggrieved by the said restriction imposed on extending the monetary benefit only from 01.04.2013 while extending such benefit to B.T. Assistants with effect from 01.01.2011, the petitioner approached this Court by filing the present writ petition.

2. It is sole contention of the petitioner that the B.T. Assistants, who were extended the benefit of revised pay scales through G.O.Ms.No.23 Finance (Pay Cell) Department dated 12.01.2011, were extended the

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monetary benefit with effect from 01.01.2011 and whereas the petitioner herein was extended the monetary benefit only from 01.04.2013 and therefore, she seek quashing of the impugned Government Order to the extent of restricting the monetary benefit only from 01.04.2013 instead of 01.01.2011.

3. Heard Mr.R.Saseetharan, learned counsel for the petitioner and Ms.Akila Rajendran, learned Government Advocate for the respondents.

4. Mr.R.Saseetharan, learned counsel appearing for the petitioner has brought to the notice of this Court that, under similar circumstances, the very same impugned action was also challenged in W.P.No.10037 of 2017 before this Court. A Co-ordinate Bench of this Court, by an order dated 24.10.2024, after having considered the matter in elaborate, allowed the said writ petition directing the respondents to extend the monetary benefit with effect from 01.01.2011 on par with the B.T. Assistants and requested to pass orders in the same lines.

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5. On the other hand, Ms.Akila Rajendran, learned Government Advocate appearing for the respondents contended that the monetary benefit was given prospectively from the date of issuance of the respective Government Orders and accordingly, the monetary benefit was extended to the petitioner herein from 01.04.2013 that is from the year in which the impugned government order came to be issued. She also further contended that the monetary benefit was extended to the B.T. Assistants and other categories from 01.01.2011, as the said Government Order was issued in the year 2011 itself. Thus, she contended that there is no arbitrariness on the part of the respondents in issuing the impugned Government Order extending the monetary benefit only from 01.04.2013. She also further argued and resisted the matter in elaborate by raising several contentions. However, this Court, having taken note of the orders passed by a coordinate bench of this Court, in W.P.No.10037 of 2017, and having perused the said orders, is thoroughly convinced that the contentions of the learned Government Advocate were already considered by a Co-ordinate Bench of this Court by an order dated 24.10.2024 and admittedly, no appeal has been preferred against the said order by the respondents herein.

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6. As the very same issue was already considered by a Co-ordinate Bench of this Court, this Court does not see any reason to re-adjudicate the matter afresh once again.

7. A Co-ordinate Bench, by an order dated 24.10.2024, in W.P.No.10037 of 2017, having considered the matter in elaborate, held as under:

> *"8. The relevant portion of the said order dated 16.4.2015 is extracted and it reads as follows:*
>
> *?3.7. From a perusal of the impugned order dated 22.07.2013, it is seen that the Committee did not specifically states that the petitioners and other similarly placed persons are eligible for monetary benefit only from the date of the Government order. The purpose for referring to the decision of the Committee was to consider as to whether the posts held by the petitioners viz., Senior Lecturers/Lecturers were equivalent to the posts of Headmasters of Higher Secondary Schools/District Educational Officers/P.G. Assistants. This having been done, the petitioner sought to have been granted the same benefit which was granted vide G.O.Ms.No.23 dated 12.1.2011. However, the Government, while passing the impugned order, granted the monetary benefit only with effect from 01.04.2013. Therefore, the petitioners are aggrieved by that portion of the order.*
>
> *4. After hearing the learned counsel for the parties and perusing the materials placed on record, it is not in dispute that the petitioners were drawing same scale of pay in the pre~revised scale of pay as mentioned above and hence the petitioners are*

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automatically entitled for the revised scales of pay pursuant to G.O.Ms.No.23 Finance (Pay Cell) Department dated 12.01.2011. It may be true that the posts held by the petitioners are automatically entitled for the revised scales of pay pursuant to G.O.Ms.No.23, Finance (Pay Cell) Department dated 12.1.2011. It may be true that the posts held by the petitioners were not specifically mentioned in the said G.O.Ms.No.23. Nevertheless, in G.O.Ms.No.122, School Education Department, dated 06.08.2002, the Government has clearly quoted the posts and this has continuously being implemented and the posts of Senior Lecturers/ Lecturers were treated on par with that of the posts of Headmasters of Higher Secondary Schools/P.G. Assistants respectively. Therefore, for no fault committed by the petitioners, the posts held by them were left out from being specifically mentioned in G.O.Ms.23 dated 12.1.2011. The petitioners with effect from 01.1.2011 as extended to the incumbents holding the posts with identical scale of pay. That apart, the impugned order dated 22.7.2013, does not assign any reason as to why the monetary benefits are restricted and it was given only from 01.4.2013. This is also one more reason to hold that the Government Order dated 22.7.2013 to that extent is unsustainable. In fact, the principal of the petitioners Institution initially rightly understood the scope of G.O.Ms.No.23 and extended the monetary benefits. In the light of the above conclusion arrived at by this Court, there is absolutely no justification for any recovery.

5. In the result, the writ petition is allowed and the impugned Government order in G.O.Ms.No.263, Finance (Pay Cell) Department dated 22.7.2013, insofar as it restricts the monetary benefits with effect from 01.4.2013 is quashed. Consequently, the impugned order of recovery dated 06.1.2014 also stands quashed. Since the petitioners obtained an order of interim stay of the impugned proceedings by

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order dated 24.2.2014, no recovery has been effected. The respondents are directed to extend the monetary benefits with effect from 01.1.2011 as extended to the incumbents holding the post with identical scales of pay as given in G.O.Ms.No.23 dated 12.1.2011.

9. The above said order dated 16.4.2015 passed by the learned Single judge of this Court was confirmed by a Division Bench of this Court in W.A.No.2234 of 2018 dated 08.2.2023. In my view, the said judgment applies in all four corners to the facts of this case.

10. The grievance of the Vocational Instructors were referred to the Pay Grievance Redressal Committee (PGRC) which found that the Vocational Instructor-s post was equivalent to the B.T Assitants Post. The Committee in its report did not restrict the payment of monetary benefits from the date of Government order. From the records, it is clear that indisputably the Vocational Instructors were always treated on par with the B.T Assistants and paid the scales of pay applicable to the later. Ergo, for the mistakes committed by the Government in not including the post of Instructors in G.O.Ms.No.23 dated 12.1.2011, while revising the scales of pay of certain categories of teachers mentioned therein, the petitioner ought not to suffer. In the absence of any justifiable reasons for restricting the monetary benefits from the date of Government order, I find that the contention of the petitioner that he should be extended the monetary benefits from 12.01.2011 is fair and acceptable.

11. Accordingly, para 3 of the impugned Government Order is set aside. Further, a direction is issued to the respondents to grant the monetary benefits to the Vocational Instructors with effect from 01.1.2011 as extended to the B.T Assistants under G.O.Ms.No.23 Finance (Pay Cell) Department dated 12.1.2011.

8. In the light of the above, paragraph No.3 of the impugned

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Government order is set aside with a direction to the respondents to grant monetary benefit to the petitioner herein with effect from 01.01.2011 as was extended to B.T. Assistants under G.O.Ms.No.23, Finance (Pay Cell) Department, dated 12.01.2011, as expeditiously as possible, at any rate, within a period of three (3) months from the date of receipt of a copy of this Court.

9. Accordingly, this writ petition is allowed. Connected miscellaneous petitions, if any, shall stand closed. No costs.

10.06.2025
(3/3)

dpa
Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No

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