IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.34937 & 34939 of 2019

W.P.No.34937 of 2019

N.Govindarajan

... Petitioner

Vs.

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

2.The Director of School Education,
Chennai - 600 006.

3.The Accountant General (A&E),
Office of the Accountant General (A&E),
Chennai.

4.The Head Master,
Kittappa Municipal Higher Secondary School,
Mayiladuthurai,
Nagapattinam District.

... Respondents

W.P.No.34939 of 2019

K.Pandian

... Petitioner

Vs.

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

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3.The Accountant General (A&E),
Office of the Accountant General (A&E),
Chennai.

4.The Head Master,
Govt. Higher Secondary School,
Meensurutti, Udaiyarpalayam Taluk,
Ariyalur District.

... Respondents

Prayer in both W.Ps: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 3rd and 4th respondents to fix the pay and pension as on 01.01.2006 by applying Rule 4(i) & (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009.

In both W.Ps.

For Petitioners : Mr.R.Saravanakumar

For Respondents : Mrs.P.Rajarajeswari, GA for R1 & R2
Mrs.J.Sreevidhya for R3
No appearance for R4

COMMON ORDER

These Writ Petitions have been filed to direct the 3rd and 4th respondents to fix the pay and pension as on 01.01.2006 by applying Rule 4(i) & (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009.

2. Heard Mr.R.Saravanakumar, learned counsel for the petitioners, Mrs.P.Rajarajeswari, learned Government Advocate for R1 & R2 and Mrs.J.Sreevidhya, learned counsel for R3 in both Writ Petitions and perused the materials available on record.

3. The petitioners were appointed as Vocational Teachers on 12.10.1978 and 03.01.1979 respectively and they were brought under time scale of pay on 01.04.1990. They were given with selection grade after 10 years of service in the year 2000. The petitioners claim that as per the Tamil Nadu Revised Scales of Pay Rules 2009, by adopting the recommendations of the 6th pay commission in G.O.No.234, dated 01.06.2009 and further instruction has also been given through

Government letter No.51082/Pay Cell / 2010-1 dated 15.09.2010, the petitioners are entitled to fix their grade pay in the Fitment table No.15.

4. It is further submitted that in order to alleviate the anomaly that might result in fixing the pay of Vocational Teachers who got their selection grade in the year 2000, 2002 and 2006, under Rule 4(iii), provisions were introduced to set right the anomaly by giving bunching effect. As the petitioners have got their selection grade during the year 2000, they claim that they would also be benefited in terms of the bunching effect prescribed under the above rule.

5. It is seen that the persons similarly placed and who have filed a batch of W.P.Nos.15570 of 2021 etc., have been given with the relief of getting similar benefit in view of the orders passed in those Writ Petitions on 29.02.2024. In the said order, it is observed as under:

> *"4. The claim of the petitioners rests on Rule 4(1)(iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009. As per the Additional Fitment Table No.15, the benefit of one increment is given in the revised pay*

structure for every two stages bunched at the same stage in the pay band. For instance, in Additional Fitment Table No.15, if the stage in the existing scale is 6900 over a span of three years and 7900 over a span of four years, both consecutive stages will be bunched together and the revised basic pay will be given with 3% increase in the basic pay. The Vocational Teachers, who are in the existing stage of 6900 and 7100 will be given with 470 which is 3% addition with the revised basic pay and thereby their pay will be fixed at 21470. Accordingly when two consecutive stages fall in respect of the stage of 7300 and 7500, the revised basic pay will be fixed at 21960 by giving 3% addition on the basis of the earlier basic pay. So it goes on with such addition in the fitment table in view of Rule 4(1)(iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009. But it is made clear that the revised basic pay by giving 3% addition for the bunching effect would be only on the basis of the pay band. And the grade pay will not be taken into account.

5. There is no dispute on the point that pay band alone be taken for addition. The above Fitment method of giving one increment addition is in view of considering the fact that the persons who put more *number of service should not get equal pay as that of their far below juniors. Taking into account of the service rendered by the seniors in the same cadres, the above increment for one bunching effect is given. If the same benefit is not given and the pay is fixed devoid of such addition of 3%, naturally the persons who have put many years of service as Vocational Teachers and their juniors would be getting the revised basic pay only at 21000 uniformly.*

6. Earlier, a similarly placed person by name K.Kolanjiyappan filed a writ petition in W.P.No.30253 of 2019 and in which an order has been passed to consider the representation of that petitioner in accordance with Rule 4 (1) (i) and (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009 in the light of Letter No.51082/Pay Cell/2010-1 dated 15.09.2010. Pursuant to the said direction, the impugned order has been passed by denying the above benefit and in the same order direction has been given to the Director of School Education to pass orders accordingly. Even though the order has been passed in pursuant to the writ petition filed in W.P.No.30253 of 2019, the impact of the order would be on the petitioners as well. Hence the *petitioners have chosen to challenge the same.*

7. On perusal of the order, it is seen that the respondents have invoked the application of G.O.Ms.No.306, Finance (CMPC) Department, dated 18.09.2018 for the claim of the petitioners. Admittedly, the petitioners' claim is only for pay fixation as per the pay revision recommendation and as per the Rule 4 of the Tamil Nadu Revised Scale of Pay Rules, 2009. In fact much clarification has been made in the Government Letter No.5108/Pay Cell/2010-1 dated 15.09.2010 by giving the relevant tables as illustrations. But the respondents, without taking cue from the said orders and the tables attached therewith, had chosen to invoke G.O.Ms.No.306, Finance (CMPC) Department, dated 18.09.2018 (which speaks about the grade scale of pay for the Vocational Teachers who have completed qualifying years of service for getting selection grade). Obviously in view of the above confusion, the respondents have chosen to deny the benefit of Rule 4 (1) (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009 to the petitioner."

6. As the implication of Rule has been clarified in the above judgment, the representation of the petitioners can also be considered in the light of the above said order, if the petitioners are also found to be otherwise eligible.

7. In the result, these Writ Petitions are allowed and the respondents are directed to consider the representation of the petitioners dated 01.10.2019 in the light of the orders passed in W.P.Nos.15570 of 2021 etc., batch dated 29.02.2024 on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

04.03.2025

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

To

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R.N.MANJULA, J.

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