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W.P. No. 28609 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P. No. 28609 of 2018

K. Thiyagarajan

... Petitioner

Vs.

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

2.The Secretary,
Government of Tamil Nadu,
School Educational Department,
Fort St. George, Chennai – 600 009.

3.The Director of School Education,
College Road, Chennai – 600 006.

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

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

6.The District Educational Officer,
Cuddalore District, Cuddalore.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent in relation to para 3 of the G.O.Ms.No.263, Finance (Pay Cell) Department dated



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22.07.2013 and Letter No.66858/CMPC/2013-2 dated 22.08.2014 and quash the same insofar as it gives monetary benefits to the petitioner with effect from 01.04.2013 and insofar as it restricts the selection grade scale of pay of the Vocational Instructor at Rs.9300-34800+4800 GP and insofar as the petitioner is concerned and issue a consequential direction to the respondents to grant the revised scale of pay of Rs.9300-34800+4600 GP as ordinary grade to the Vocational Instructor, like the petitioner with monetary benefit from 01.01.2011 and fix the petitioner's selection grade at Rs.15600-39100+5400 from 01.01.2011 with monetary benefits and grant all consequential benefits to the petitioner.

For Petitioner : Mr. R. Saseetharan

For Respondents : Mr. A.M. Ayyadurai,
Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent in relation to para 3 of the G.O.Ms.No.263, Finance(Pay Cell) Department dated 22.07.2013 and Letter No.66858/CMPC/2013-2 dated 22.08.2014 and quash the same insofar as it gives monetary benefits to the petitioner with effect from 01.04.2013 and insofar as it restricts the selection grade scale of pay of the Vocational Instructor at Rs.9300-34800+4800 GP and insofar as the petitioner is concerned and issue a consequential direction to the respondents to grant the revised scale of pay of Rs.9300-34800+4600 GP as ordinary grade to the Vocational Instructor, like the petitioner



with monetary benefit from 01.01.2011 and fix the petitioner's selection grade at Rs.15600-39100+5400 from 01.01.2011 with monetary benefits and grant all consequential benefits to the petitioner.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the material available on record.

3.The grievance of the petitioner was referred to the Pay Grievance Redressal Committee (PGRC) which found that the Vocational Instructor's post was equivalent to the B.T.Assistants 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 latter. For the mistakes committed by the Government in not including the post of Vocational Instructors in G.O.Ms.No.23 dated 12.01.2011, while revising the scales of pay of certain categories of teachers mentioned therein, the petitioner suffered a lot. In the absence of any justifiable reasons for restricting the monetary benefits from the date of Government Order, the contention of the petitioner in this Writ Petition that the monetary benefits from 12.01.2011 have to be extended to him.



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4. During the course of hearing, the learned counsel for the petitioner has drawn the attention of this Court to the order dated 24.10.2024 in WP No.10036 of 2017. On perusal of the same, it appears that the said order was passed on relying the earlier order of this Court dated 16.04.2015 in WP.No.5407 of 2014 passed by the learned Single Judge, which was confirmed by a Division Bench of this Court vide its judgment dated 08.02.2023 in W.A.No.2234 of 2018. In the considered opinion of this Court, the order dated 24.10.2024 in WP.No.10036 of 2017 is fairly applicable to the facts of the present case. Accordingly, by following the said order, this Court intends to dispose of this Writ Petition, to meet the interest of justice.

5. Accordingly, this Writ Petition is disposed of, with the following directions:

(i) Para 3 of the G.O.Ms.No.263, Finance(Pay Cell) Department dated 22.07.2013, is set aside.

(ii) There shall be a direction to the respondents to grant the monetary benefits to the petitioner with effect from 01.01.2011 as extended to the B.T.Assistants under G.O.Ms.No.23, Finance(Pay Cell) Department dated 12.01.2011.



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(iii) the respondents are directed to issue appropriate orders in

this regard, within a period of eight(8) weeks from the date of receipt of a copy of this order.

6. There shall be no order as to costs.

20.01.2025

Index :Yes/No

Neutral Citation :Yes/No

AT

To

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BATTU DEVANAND, J.

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