



WEB COPY



W.P.(MD)No.17719 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

W.P.(MD)No.17719 of 2020

S.Suseela

... Petitioner

vs.

1.The State of Tamilnadu,
represented by its Principal Secretary,
Finance (CMPC) Department,
Fort St.George, Chennai - 09.

2.The Joint Director (Vocational) of School Education,
College Road, Chennai-06.

3.The Principal Accountant General (G & SSAR),
"Lekha Pariksha Bhavan",
No.361, Anna Salai,
Teynampet, Chennai - 600 018.

4.The Chief Educational Officer,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to refix pay scale of the petitioner by fixing the Grade-Pay as Rs.5,400/- from 01.01.2011 and consequently, to pay the amount within the time limit stipulated by this Court in the light of the judgment passed by this Court in W.P.No.28695 of 2013, dated 02.09.2020.

For Petitioner :Mr.R.Saravanan
For R1, R2 and R4 :Mr.Saji Bino
Special Government Pleader
For R3 :Mrs.S.Mahalakshmi



W.P.(MD)No.17719 of 2020

WEB COPY

ORDER

1. This Writ Petition has been filed under Article 226 of the Constitution of India, to direct the respondents to refix the pay scale of the petitioner by fixing the Grade-Pay as Rs.5,400/- from 01.01.2011 and consequently, to pay the amount within a time limit stipulated by this Court in the light of the judgment passed by this Court in W.P.No.28695 of 2013, dated 02.09.2020.
2. The facts of the case in a nut shell, led to filing of this Writ Petition and necessary for disposal of the same, are as follows:-
 - (a) The petitioner was appointed as Vocational Teacher in the respondent Department on 01.09.1981 and was regularised on 05.10.1996 in the said post. She was also awarded with Selection Grade in the post of Vocational Teacher in the year 2006 and on attaining the age of superannuation, she retired from service on 31.12.2007. While implementing the recommendations of the 6th Pay Commission, vide G.O.Ms.No.263, Finance (Pay Cell) Department, dated 22.07.2013, the Government of Tamil Nadu has revised the scale of pay only from 01.04.2013 in respect of the petitioner and other similarly placed persons. It is the case of the petitioner that as the Vocational



WEB COPY



W.P.(MD)No.17719 of 2020

Instructors have no promotional avenues, the Vocational Instructors, who are in Selection Grade, are eligible to get the Grade Pay of Rs.5,400/-. In this regard, the petitioner had made several representations to the respondents. However, till date the same has not been considered by the respondents. In such circumstances, this Writ Petition has been filed seeking the relief as stated above.

3. Heard Mr.R.Saravanan, learned Counsel for the petitioner, Mr.Saji Bino, learned Special Government Pleader for the respondents 1, 2 and 4 and Mrs.S.Mahalakshmi, learned Standing Counsel for the third respondent.
4. The learned counsel for the petitioner, while reiterating the averments made in the affidavit filed in support of this Writ Petition, submits that the petitioner has made several representations to decide the grievances and claim of the petitioner before the second respondent, however, till date, no action was taken and the second respondent has not decided the representation. Thus, he submitted that a positive direction may be given to the second respondent to consider the representation and decide the same by way of a reasoned and speaking order on merits and in accordance with law within a time frame that may be stipulated by this Court.



W.P.(MD)No.17719 of 2020

WEB COPY

5. Mr.Saji Bino, learned Special Government Pleader for the respondents 1, 2 and 4 did not dispute the fact that the petitioner has made several representations and the last representation was made on 02.11.2020. He also submits that petitioner is not entitled to get the relief as prayed in the prayer clause, but anyhow if she submits a fresh representation before the second respondent, the same shall be considered by way of a reasoned and speaking order in accordance with law.
6. The request of the learned Special Government Pleader appears to be genuine and justified. Accordingly, after considering the submissions made by the learned counsels for both parties and perusing the records and averments made in the Writ Petition, this Court deems it appropriate that no useful purpose will be served in keeping this Writ Petition pending before this Court.
7. Accordingly, the petitioner is directed to file a fresh representation before the second respondent detailing her claim and grievances within a period of four weeks from today. If any such representation is filed by the petitioner before the second respondent within the time stipulated by this Court, the second respondent is directed to consider the same and pass a reasoned and speaking order on merits and in accordance with



W.P.(MD)No.17719 of 2020

WEB COPY

law, after giving sufficient opportunity to the petitioner, within a period of two months from the date of receipt of such representation. The second respondent shall communicate the order to the petitioner through Registered Post with Acknowledgement Due (RPAD) within a period of two weeks from the date of passing the order.

8. With the above directions, this Writ Petition is finally disposed of. There shall be no order as to costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

17.02.2025

cmr

To

1.The Principal Secretary,
The State of Tamilnadu,
Finance (CMPC) Department,
Fort St.George, Chennai - 09.

2.The Joint Director (Vocational) of School Education,
College Road, Chennai-06.

3.The Chief Educational Officer,
Thanjavur District.



WEB COPY



W.P.(MD)No.17719 of 2020

SHAMIM AHMED, J.

cmr

W.P.(MD)No.17719 of 2020

17.02.2025