

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.4468, 4477, 4479, 4482 & 4487 of 2021
and
W.M.P.Nos.5098, 5105, 5106, 5108 & 5113 of 2021

V.Shanmugam ... Petitioner in W.P.No.4468/2021
A.Subramaniam ... Petitioner in W.P.No.4477/2021
R.Krishnamoorthi ... Petitioner in W.P.No.4479/2021
T.Ganesan ... Petitioner in W.P.No.4482/2021
U.Marsihabegum ... Petitioner in W.P.No.4487/2021

Vs.

1. The Government of Tamil Nadu,
rep. by its Principal Secretary,
Finance (Pay Cell) Department,
Fort St. George,
Secretariat, Chennai - 600 009.
2. The Directorate of School Education Department,
rep. by its Director,
School Education Department,
DPI Campus, Chennai - 600 006.
3. The Chief Education Officer,
Chennai District,
Egmore, Chennai - 600 008. ... Respondents in all W.Ps.

Common Prayer:

Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the 1st Respondent/Department and 2nd Respondent/Directorate to consider and to extend the benefits of G.O.Ms.No.321, dated 02.07.1998, whereby two additional increments were granted to Junior Assistant, who had the degree qualification at the time of initial appointment in the light of the Government Letter No.2680/PC/2018-5, dated 19.09.2018 and other similar orders issued by the 1st Respondent Department.

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For Petitioner in all W.Ps.: Mr.V.Govardanan,
for Mr.S.Kannan

For Respondents in all W.Ps.: Mr.P.Raja,
Government Advocate

C O M M O N O R D E R

As the issue involved in all Writ Petitions is one and the same, the cases are taken up for disposal by a common order.

2. Petitioners have come up with the above Writ Petitions seeking a direction to the 1st Respondent/Department and 2nd Respondent/Directorate to consider and to extend the benefits of G.O.Ms.No.321, dated 02.07.1998, whereby two additional increments were granted to Junior Assistant, who had the degree qualification at the time of initial appointment in the light of the Government Letter No.2680/PC/2018-5, dated 19.09.2018 and other similar orders issued by the 1st Respondent/Department.

3. According to the Petitioners, they were appointed as Junior Assistants by the 2nd Respondent/Department through selection process conducted by the Tamil Nadu Public Service Commission. It is their case that, as per G.O.Ms.No.321, dated 02.07.1998, an employee was entitled to draw higher scales of pay by two stages above the minimum scale of pay to Graduate Junior Assistant/Typists. Pursuant to the Tamil Nadu Revised Scales of Pay Rules, 2009, the 1st Respondent/Department, vide G.O.Ms.No.241, dated 22.07.2013, discontinued the benefit of higher scales of pay to Graduate Junior Assistants with retrospective effect from 01.04.2013. Due to the administrative delay in posting them at the appropriate place, Petitioners herein lost the benefit of higher scales of pay. As some of the persons who have been selected by the Tamil Nadu Public Service Commission were granted the benefit of higher scales of pay by virtue of G.O.Ms.No.321, dated 02.07.1998, Petitioners herein made individual representations to the 3rd Respondent/Authority to extend the benefit of two increments in terms of Government Letter No.2680/PC/2018-5, dated 19.09.2018. As no action is forthcoming, Petitioners have come up with the present Writ Petitions.

4. Learned Government Advocate appearing for the Respondents submitted that, though certain benefits have been extended to similarly placed persons by virtue of G.O.Ms.No.321, dated 02.07.1998, the same was withdrawn by the subsequent Government Order vide G.O.Ms.No.241, dated 22.07.2013, with retrospective effect from 01.04.2013.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. It is no doubt true that, by virtue of G.O.Ms.No.321, dated 02.07.1998, two additional increments were granted to Junior Assistants, who had degree qualification at the time of initial appointment in the light of Government Letter No.2680/PC/2018-5, dated 19.09.2018. But, it is not sure as to whether the Petitioners herein are similarly placed and whether the withdrawal of the said benefits vide G.O.Ms.No.241, dated 22.07.2013, with retrospective effect from 01.04.2013 will affect the case of the Petitioners.

7. However, learned Government Advocate appearing for the Respondents submitted that, the case of the Petitioners will be considered by the Respondents in accordance with law, after ascertaining the applicability of G.O.Ms.No.321, dated 02.07.1998 and the Government Letter No.2680/PC/2018-5, dated 19.09.2018, to the case of the Petitioners herein, in order to extend monetary benefits to them.

8. Taking note of the submissions of the learned counsel on either side, this Court directs the Respondents herein to consider the representation made by the Petitioners for extending the benefit of two additional increments vide Government Letter No.2680/PC/2018-5, dated 19.09.2018, if the same is applicable in view of G.O.Ms.No.321, dated 02.07.1998, and pass appropriate orders within a period of 90 days from the date of receipt of a copy of this order, after giving them an opportunity of hearing, if similarly placed persons are extended the benefits of the said Government Order.

With the above direction, Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते
Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To:

1. The Principal Secretary,
Government of Tamil Nadu,
Finance (Pay Cell) Department,
Fort St. George,
Secretariat, Chennai 600 009.

2. The Director,
Directorate of School Education Department,
School Education Department,
DPI Campus, Chennai 600 006.

3. The Chief Education Officer,
Chennai District,
Egmore, Chennai 600 008.

+5cc to Mr.S.Kannan, Advocate Sr.Nos.12047, 12048, 12044, 12045,
12046

+1cc to Government Pleader Sr.No.12792

Common order in
W.P.Nos.4468, 4477, 4479,
4482 & 4487 of 2021

PMK(CO)
NR 21/04/2021



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