



ABSTRACT

School Education – Time scale of pay from the date of appointment to the teachers in various categories who were appointed on consolidated pay during the years 1990-91 and 1991-92 – Orders issued.

SCHOOL EDUCATION (M1) DEPARTMENT

GO (Ms) No. 336,

Dated:30.12.2009
(Thiruvalluvar Aandu – 2040
Margazhi -15)

Read:

1. G.O.(Ms) No.1524, Education (M1) Department, dated 12.11.1990.
2. G.O.(Ms) No.1669, Education (M1) Department, dated 13.12.1990.
3. G.O.(Ms) No.20, Education Department, dated 08.01.1993.
4. High Court Order dated 11.4.2008 in W.A.Nos.1585 to 1624/01, etc. and W.A.M.P.Nos.307/2006 and 14002 – 14041/2001 batch cases.
5. The Director of School Education Letter Rc.No.22097/D/E3/2003. dated 5.1.2009 and 31.3.2009.

ORDER:

In G.O first read above, Government have sanctioned additional posts in the category of Secondary Grade Assistants, B.Ed. Grade, Tamil Pandit and P.G. Assistants on consolidated pay of Rs.800 per month. In G.O. 2nd read above, the vacant posts of Special Teachers were also downgraded similarly and brought on consolidated scale of pay. Similarly, teachers were appointed on consolidated pay in the cadre of B.T. Assistants and P.G. Assistants also. The consolidated pay was fixed as Secondary Grade Assistants (Junior Grade), Rs.800/- , P.G. Assistants (Junior Grade) Rs.1750/- and B.T. Assistant (Junior Grade) Rs.1400/-. In G.O. 3rd read above, the Government have directed that the Secondary Grade Assistants (Junior Grade), who were recruited during 1990-1991 and 1991-92 on a fixed pay for a period of 2 years be brought into regular pay with effect from 1.9.1992.

2. The Secondary Grade Assistants filed writ petitions claiming regular time scale from their dates of appointment. The Hon'ble High Court, Madras in its order, dated 30.7.1999, in batch cases W.P.No.221/91 etc. has ordered that,

“all appointments made in pursuance of the impugned Government orders shall be treated as regular appointments and the petitioners are entitled to regular time-scale of pay with effect from the date of their respective initial appointments and not from the date as indicated in the Government orders.” Against these orders, the Government have filed Writ Appeal Nos.1585-1624/01 etc. batch, in the High Court, Madras. and WAMP Nos.307/2006 and 14002 to 14041/2001 (batch Cases) has passed the orders on 11.4.2008 and dismissed the writ appeals.

3. Similar orders are being received from the High Court, Madras in Writ Petitions filed (individually and jointly) by teachers appointed on consolidated emolument during 1990-91 and 1991-92 in Government Schools and Corporation Schools and Panchayat Union Schools etc. These orders also rely on the High Court directions.

4. In the light of the above, the Director of School Education has submitted the proposals to implement the High Court directions, and requested the Government to issue early orders to allow time scale of pay to all the categories of teachers who have been appointed on consolidated pay during 1990-91 and 1991-92 so that they could be allowed selection and special grades also. Since the revised scales of pay pursuant to the recommendations of the 6th pay Commission have to be implemented, he has requested orders of the Government at a very early date. He has also stated that, the proposal involves an expenditure of Rs.20,89,90,216/-.

5. After careful examination, the Government have decided to implement the orders of the Hon'ble High Court. Accordingly, the Government sanction time scales of pay for junior grade teachers recruited to various categories of teaching posts under various managements during 1990-91 and 1991-92 from the dates of their respective appointments.

6. Pursuant to the interim directions of the High Court Madras in Writ Appeals Nos. 1585-1624 of 2001 etc., certain categories of teachers appointed on consolidated pay during 1990-91 and 1991-92 have been paid an amount conforming to 1/3 of the differential amount for the period of two years from 1990-1992. This amount should be adjusted against the arrears payable to the respective teachers.

7. Necessary funds will be provided in RE/FMA 2009-2010. However, this should be brought to the notice of the Legislature by specific inclusion in the Supplementary Estimates 2009-2010. Pending provision of Funds in RE/FMA 2009-2010, the Director of School Education is permitted to draw and disburse the above sanctioned amount. He is requested to send necessary Explanatory notes for including the above expenditure in the Supplementary Estimates, 2009-2010 to Government, in Finance (BGI) Department.

8. The expenditure shall be debited under the following head of accounts:-

“2202 – General Education-01. Elementary Education-101. Government Primary Schools-I Non-Plan-

- AA. Salaries of Municipal and Corporation Elementary School Teachers – (DPC 2202 01 101 AA 0007)
- AB. Government Elementary Schools (DPC 2202 01 101 AB 0007)
- AC. Salaries to Panchayat Union Elementary School Teachers (DPC 2202 01 101 AC 0003)
- AD. Salary payment to Teachers under Sarva Shiksha Abhiyan (SSA) (DPC 2202 01 101 AD 0001)

2202-02.Secondary Education-109. Government Secondary Schools-I.Non-Plan-

- AA. Salary of Teachers and staff in the Government Secondary and Higher Secondary Schools (DPC 2202 02 109 AA 0000)
- AB. Salaries of Municipal and Corporation Secondary / Higher Secondary School Teachers – (DPC 2202 02 109 AB 0008)

2202-02-110. Assistance to Non-Government Secondary Schools-I.Non-Plan-

- AA. Assistance to Aided high schools and Higher secondary schools- (DPC 2202 02 110 AA 0007)

9. The Director of School Education and the Director of Elementary Education are requested to issue necessary instructions to implement immediately the orders issued in para 5 above.

10. This order issues with the concurrence of Finance Department vide its U.O.No.304/JS(APA)/2009, dated 30.12.2009 and additional sanction Ledger No: 1369 (One thousand three hundred and Sixty nine).

(By Order of the Governor)

M. KUTRALINGAM,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Director of School Education, Chennai-6.
The Director of Elementary Education, Chennai-6.
The Chairman, Teachers Recruitment Board, Chennai-6.
The Accountant General, Chennai-18.
The Pay and Accounts Officer, Chennai-5/35/79.
The Pay and Accounts Officer, Madurai.
The Director of Treasuries and Accounts, Chennai-15.
All District Treasury Officers.
The Commissioner,
Corporation of Chennai, Madurai,
Tirunelveli/Tiruchirappalli/Coimbatore/Salem/Tuticorin/Vellore.

Copy to:

The P.A. to Hon'ble Minister (Edn), Chennai-9.
The Finance Department (Edn-II /BG.I/BG.II), Chennai-9.
The Personnel & Administrative Reforms Department, Chennai-9.

The Adi Dravidar & Tribal Welfare Department, Chennai-9.

The Backward Classes, Most Backward Classes and
Minority Welfare Department, Chennai-9.

The Environment and Forests Department, Chennai-9.

The Social Welfare & Nutritious Meal Programme Department, Chennai-9.

The School Education (B,D,G,S,C and HS) Department, Chennai-9.

/Forwarded by Order/

Section Officer.