



ABSTRACT

Tamil Nadu Revised Scales of Pay Rules, 1989 -- Selection Grade / Special Grade scales of pay in the revised pay scales – Revised orders – Issued.

FINANCE (CMPC) DEPARTMENT

G.O.Ms.No.62

Dated:09—03—2015.

Maasi-25,

Thiruvalluvar Aandu, 2046.

Read:

1. G.O.Ms.No.210, P&AR(S) Department, dated: 11—03—1987.
2. G.O.Ms.No.666, Finance (PC) Department, dated: 27—6—1989.
3. G.O.Ms.No.304, Finance (PC) Department, dated: 28—3—1990.
4. G.O.Ms.No.216, Finance (PC) Department, dated: 22—3—1993.

ORDER:

In the Government Order third read above, orders were issued re-introducing the Selection Grade / Special Grade scales of pay and indicating the same in the annexure appended therein. It has also been ordered therein that the Selection Grade / Special Grade scales of pay should be restricted to the level of first level and second level promotion posts scales of pay.

2) Subsequently, the Tamil Nadu Administrative Tribunal in O.A.No.1625 of 1991 setting aside the entire para-4 of the Government Order third read above. Consequently, necessary fresh orders were issued to protect certain special categories in the matter of award of Selection Grade / Special Grade scales of pay like Office Assistants in all departments and Secondary Grade Teachers in School Education Department.

3) Consequent on the issue of the above Government Order, the following deviations have been brought to the notice of Government:--

- a) The spirit of the Government Order is to award Selection Grade / Special Grade to the Secondary Grade Teachers by counting the services rendered prior to 1—6—1988 on identical scales of pay. But the services rendered beyond 1—6—1988 on lower scales of pay has also been taken into account which is against the general guidelines issued by Personnel and Administrative Reforms Department on award of Selection Grade / Special Grade.
- b) In respect of awarding of Selection Grade / Special Grade in High Schools / Higher Secondary Schools in the post of Secondary Grade Teacher, the services were counted and they were granted the scale of pay applicable to the promotion post of Primary School Headmaster, eventhough there is no scope for all the Secondary Grade Teachers to become Primary School Headmaster.

- c) The Special Teachers and Physical Education Teachers who do not form part of a feeder category to the post of Primary School Headmaster have also been granted the scale of pay of Primary School Headmaster without considering the financial implications due to Judgement Orders and on wrong misconception of the orders issued in the Government Order third read above.

4) Subsequent Pay Commissions have been implemented with effect from 1—1—1996 and 1—1—2006 and the scales of pay of Secondary Grade Teacher and Primary School Headmaster are fixed on two different pay scales are as follows:-

	Pre-revised scale of pay (01—01—1996)	Revised scale of pay (01—01—2006)
	Rs.	Rs.
Secondary Grade Teacher	4500—7000	5200—20200 + Grade Pay of Rs.2800
Headmaster Primary School	5300—8300	9300—34800 + Grade Pay of Rs.4300

As such, the services rendered in the post of Secondary Grade Teacher on a lower scale of pay cannot be counted for awarding Selection Grade / Special Grade in the higher post of Primary School Headmaster on or after 01—01—1996.

5) Persons who are not entitled to get the benefit of higher Selection Grade / Special Grade scales of pay applicable to Primary School Headmaster such as Secondary Grade Teachers in High Schools / Higher Secondary Schools as well as Special Teachers / Physical Education Teachers filed writ petitions in the Hon'ble High Court seeking legal remedies. In all such cases the court has passed favourable orders. It is observed that such orders were passed on the following grounds:--

- (i) Counter Affidavits were not filed properly resulting in ex-parte orders passed by the Hon'ble High Court.
- (ii) Appeals were not filed in time.
- (iii) Consultation of Personnel and Administrative Reforms Department, Finance Department and Law Department for filing effective counter affidavits .
- (iv) Delays in filing of Writ Appeals or Special Leave Petitions resulted confirmation of the orders of the Hon'ble High Court.
- (v) Such court orders have been implemented and the undue benefits have been extended to the Secondary Grade Teachers as well as Special Teachers / Physical Education Teachers, consequent on filing of contempt petitions without examining the merits of individual cases which has caused a huge financial commitment to the State Exchequer running to several crores of rupees.

6) As per the general orders in vogue, as ordered in the Government Order first read above, the services rendered on identical and as well as higher scales of pay in the lower post can alone be taken into account for awarding Selection Grade / Special Grade in the promotion post and no dispensation can be made in respect of any Government employee including Teachers for award of Selection Grade / Special Grade due to misinterpretation of the orders issued in the Government Order fourth read above. Government have therefore decided to issue necessary amendment to the said Government Order to regulate the grant of Selection Grade / Special Grade scales of pay of the employees including Teachers to avoid re-opening of settled issues.

7) Accordingly, the following amendment is issued to para—3 (ii) of the Government Order fourth read above:--

- (1) In respect of Secondary Grade Teachers in High Schools / Higher Secondary Schools there is no promotion post for them. Whereas, there is a promotion post for the Secondary Grade Teachers in Primary Schools viz. Primary School Headmaster which envisages the restrictive proviso in para--4 of G.O.Ms.No.304, Finance (PC) Department, dated: 28—3—1990. As a measure of uniformity in the Selection Grade / Special Grade scales of pay of Secondary Grade Teachers Government directed that the Secondary Grade Teachers in all schools be made eligible for the Selection Grade / Special Grade scales of pay as indicated in the Annexure-I to the Government Order third read above.
- (2) The Selection Grade / Special Grade scales of pay indicated in the Annexure—1 to the G.O.Ms.No.304, Finance (Pay Cell) Department, dated: 28—3—1990 is applicable for the Fifth Tamil Nadu Pay Commission period only i.e. from 1—6—1988 to 31—12—1995. As such, the benefit of Selection Grade / Special Grade scales of pay as contemplated in para—3 (ii) of G.O. Ms.No.216, Finance (Pay Cell) Department, dated: 22—3—1993 shall be made applicable only to the cases of Secondary Grade Teachers and other employees who were awarded Selection Grade / Special Grade between 1—6—1988 and 31—12—1995 and the same cannot be extended beyond this date as subsequent Pay Commission revisions were implemented with effect from 1—1—1996 and 1—1—2006 respectively on par with the counterparts in Government of India.
- (3) As the Secondary Grade Teachers in Primary schools is the feeder category for the post of Primary School Headmaster, they were allowed to count the services rendered on identical scales of pay prior to 01—06—1988 in the post of Secondary Grade Teachers for awarding Selection Grade / Special Grade in the promotion post of Primary School Headmaster. In the case of Special Teachers and Physical Education Teachers they have no chance for promotion as Primary School Headmaster and are not considered as a feeder category to the post of Primary School Headmaster with reference to Rule-2 of Tamil Nadu Elementary Education Subordinate Service Special Rules. Hence, the Special Teachers / Physical Education Teachers are not entitled for Selection Grade / Special Grade applicable to the post of Primary School Headmaster considering the services rendered in the post of Special Teachers / Physical Education Teachers.

8) The above revised order shall not be applicable to the cases where orders have already been issued by the competent authority in pursuance to the court orders and in cases where the court verdict reached finality.

(BY ORDER OF THE GOVERNOR)

**K.SHANMUGAM,
PRINCIPAL SECRETARY TO GOVERNMENT.**

To

The Principal Secretary to Government, School Education Department, Chennai-9.
The Director, School Education, Chennai--6.
The Director, Elementary Education, Chennai - 6
The Principal Accountant General (A & E), Chennai- 18 / 35.
The Principal Accountant General (Audit.I), Chennai-18.
The Accountant General (Audit.II), Chennai-18.
The Accountant General (CAB), Chennai-9 / Madurai.
The Registrar General, High Court, Chennai- 104.
The Commissioner of Treasuries and Accounts, Chennai-15.
The Director of Pension, DMS Complex, Chennai-6.
The Director of Local Fund Audit, Chennai – 108.
The Pension Pay Officer, Chennai- 600 006.
The Pay and Accounts Officer, Secretariat, Chennai-9.
The Pay and Accounts Officer,(North / South / East) Chennai- 1 / 35 / 8.
The Pay and Accounts Officer, Madurai - 625 001.
All Treasury Officers / Sub-Treasury Officers.
All Chief Educational Officers / District Educational Officers.

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The Secretary to Hon'ble Chief Minister, Chennai—9.
The Private Secretary to Chief Secretary to Government, Chennai-9.
The Private Secretary to Principal Secretary to Government,
Finance Department, Chennai-9,
Personnel & Administrative Reforms Department, Chennai – 9.
School Education (SE3(1)) Department, Chennai – 9.
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Rafik Kamey
29/12/2015
SECTION OFFICER.