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WP Nos. 29143 to 29146 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**Reserved on : 13.07.2026**

**Pronounced on : 17.07.2026**

CORAM

**THE HON'BLE MR.JUSTICE T. VINOD KUMAR**

**WP Nos. 29143 to 29146 of 2010**

|               |                                       |
|---------------|---------------------------------------|
| M.Kathiresan  | .. Petitioner in W.P.No.29143 of 2010 |
| V.Roobens     | .. Petitioner in W.P.No.29144 of 2010 |
| G.Paramathman | .. Petitioner in W.P.No.29145 of 2010 |
| M.Rajendran   | .. Petitioner in W.P.No.29146 of 2010 |

Vs.

1. The Secretary To Government  
Agriculture Department, Fort St.George,  
Chennai-9.

2. The Director of Agriculture  
Chepauk, Chennai-5.

. Respondents 1 & 2 in all Writ Petitions

The Joint Director of  
Agriculture, Madurai.

. 3<sup>rd</sup> Respondent in W.P.No.29143 of 2010

The Joint Director of  
Agriculture, Dindigul.

.. 3<sup>rd</sup> Respondent in W.P.No.29144 of 2010

The Joint Director of  
Agriculture, Erode.

.. 3<sup>rd</sup> Respondent in W.P.No.29145 of 2010

The Joint Director of  
Agriculture, Cuddalore.

.. 3<sup>rd</sup> Respondent in W.P.No.29146 of 2010

**Prayer in W.P.No.29143 of 2010** : Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, praying to



call for the records in pursuant to the Impugned orders passed by the 1<sup>st</sup> Respondent in Letter No.36684/AA.IV(1)/2009-6 dated 22.11.10 and the consequential order passed by the 3<sup>rd</sup> Respondent in proceeding No.Pa.Ni.4/1471/2010 dated 25.11.2010 and quash these orders and consequently direct the Respondents to revise the Scale of Pay of the Petitioner as Rs.1640-2900 with effect from 01.06.88 and consequently revise the pay in the promotional post with all monetary benefits and arrears of pay.

**Prayer in WP No. 29144 of 2010 :** Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, praying to call for the records in pursuant to the Impugned orders passed by the 1<sup>st</sup> Respondent in Letter No.36684/AA.IV(1)/2009-6 dated 22.11.2010 and the consequential order passed by the 3<sup>rd</sup> Respondent in proceeding No.A5/8833/2009 dated 25.11.2010 and quash these orders and consequently direct the Respondents to revise the Scale of Pay of the Petitioner as Rs.1640-2900 with effect from 01.06.1988 and consequently revise the pay in the promotional post with all monetary benefits and arrears of pay.

**Prayer in WP No.29145 of 2010 :** Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, praying to call for the records in pursuant to the Impugned orders passed by the 1<sup>st</sup> Respondent in Letter No.36684/AA.IV(1)/2009-6 dated 22.11.2010 and the consequential order passed by the 3<sup>rd</sup> Respondent in proceeding No.A4/18250/2009 dated 25.11.2010 and quash these orders and consequently direct the Respondents to revise the Scale of Pay of the Petitioner as Rs.1640-2900 with effect from 01.06.1988 and consequently revise the pay in the promotional post with all monetary benefits and arrears of pay.



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**Prayer in WP No. 29146 of 2010** : Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, praying to call for the records in pursuant to the Impugned orders passed by the 1<sup>st</sup> Respondent in Letter No.36684/AA.IV(1)/2009-6 dated 22.11.2010 and the consequential order passed by the 3rd Respondent in proceeding No.A5/9504/09(1) dated 25.11.2010 and quash these orders and consequently direct the Respondents to revise the Scale of Pay of the petitioner as Rs.1640-2900 with effect from 01.06.1988 and consequently revise the pay in the Promotional post with all monetary benefits and arrears of pay.

*In all W.Ps.*

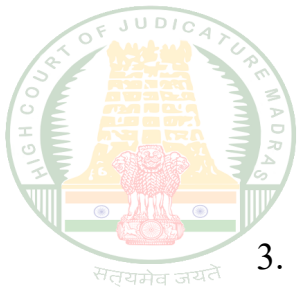
For Petitioner(s) : Mr.R.Prem Narayanan

For Respondent(s): Mr.C.P. Goutham  
Govt.Advocate

### **COMMON ORDER**

Since the issue involved in all the four writ petitions is one and the same, they were heard together and are being disposed of, by this common order.

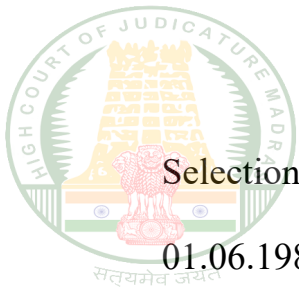
2. For convenience, the facts as set out in W.P.No.29143 of 2010 is taken as the basis for deciding the matter.



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

4. The case of the petitioner, in brief, is that he was appointed to the post of Artist on 25.07.1983; that, after implementation of the recommendations of the V Pay Commission, the posts of Artist/Camera man/Photographer in all departments were brought under common categories and divided into three grades namely, ( i) Grade-I with a scale of pay of Rs.1400-2600, ii) Grade-II with scale of pay of Rs.1200-2040 iii) Grade III which scale of pay of Rs.950-1550-; that the Government, by its letter dated 23.08.1989, implemented the classification of the posts of Artists, Cameraman and Photographs into common categories comprising three grades with effect from 01.06.1988 and placed all the diploma holders in Grade- I with a scale of pay of Rs.1400-2600; and that the petitioner, being a diploma holder, was placed in Grade I.

5. It is the further case of the petitioner that the Government vide G.O.Ms.No.304, Finance (PC) Department dated 28.03.1990, prescribed a scale of pay of Rs.1400-2600 in the ordinary grade and Rs.1640 - 2900 in the Selection Grade; that since the petitioner had moved to the Selection Grade in the post of Artist, his basic pay was fixed at Rs.1760 on 01.06.1988 in the

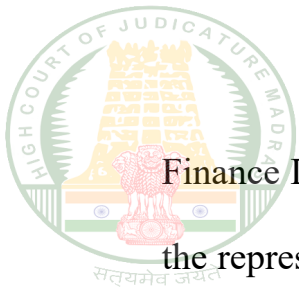


Selection Grade scale of Rs,1640 – 2900 and was further revised to Rs.1820 on 01.06.1988 and Rs.1880 as on 01.01.1990.

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6. It is the further case of the petitioner that the petitioner that the post of artist is a feeder category to the promotional post of Silk Screen Designer ; that the petitioner was promoted as Silk Screen Designer on 01.06.2003; that the scale of pay of Silk Saree Designer was fixed, under the V Pay Commission, at Rs.1400-2600; thus, an anomaly arose in the scale of pay of the post of Artist in Grade I and that of the post of Silk Screen Designer, as both carried the same scale of pay under the V Pay Commission, even though the post of Silk Screen Designer is a promotional post.

7. The petitioner further contended that, when he was promoted to the post of Silk Screen Designer, the scale of pay of the said post had become equivalent to the scale of pay to the post of Grade-I Artist under the V Pay Commission and that this had led to some confusion with regard to the fixation of the petitioner's pay; that the Joint Director – third respondent after due deliberation, passed an order dated 12.12.1992 based on an earlier order dated 30.10.1992 refixing the pay of the petitioner in the post of Selection Grade Artist in the scale of Rs.1400 - 2600, by cancelling his earlier fixation in the Selection Grade scale of pay of Rs.1640 – 2900 ; that the petitioner thereafter submitted a representation to revise the scale of pay as per G.O.Ms.No.304

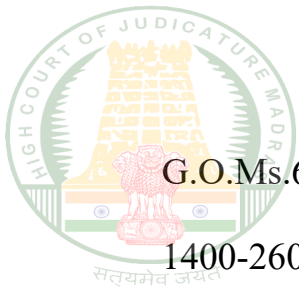


Finance Department dated 28.03.1990; that, as the respondents did not consider the representation, the petitioner, (along with the three others filed) writ petition before this Court vide W.P.No.15612 of 2009; that this Court, by order dated 06.08.2009 directed the respondents to consider the representation submitted by the petitioner and others in the light of G.O.Ms.No.304, Finance Department dated 28.03.1990; and the order passed by this Court in W.P.No.14713 of 2006 dated 17.12.2007; and that the first and third respondent thereafter had issued impugned proceedings, whereby the claim of the petitioner for rectification of the pay anomaly and fixation of the scale of pay in the Selection Grade earlier was cancelled and his pay was refixed in the scale of pay of Rs.1400-2600.

8. The learned counsel for the petitioner has placed reliance on the decision of this Court in W.P.No.14713 of 2006 dated 17.02.2007. The said decision would not advance the case of the petitioner, for the reason that the petitioner therein had completed 10 years of service by the period mentioned in Clause 8 of the G.O.Ms.No,304.

9. Separate counter affidavits on behalf of the second and third respondent are filed.

10. The second respondent by the counter affidavit contended that the pay of the petitioner in the post of Artist was wrongly revised under



G.O.Ms.666 dated 27.06.1989 from pre-revised scale of pay of Rs.705-1230 to 1400-2600 instead of Rs.1200-2040; that the scale of pay for the Selection

Grade post of artist was also fixed at Rs.1400-2800; that the incorrect revision was rectified by G.O.Ms.No.520, Finance (PC) Department dated 01.08.1992; that, while revising/rectifying the anomaly, the Government protected the higher scale already fixed at Rs.1400-2600; that an artist, in the ordinary grade on completion of 10 years of service and on becoming eligible for Selection Grade, is entitled only to one additional increment in the scale of pay of Rs.1400-2600, which is restricted to the first-level promotion viz., Silk Screen Designer; that the claim of the petitioner for fixation of pay in the post of Silk Screen Designer in the scale of pay of Rs.1640-2900 is neither maintainable in law nor in the facts of the case; that the petitioner is seeking the benefit granted in the case of Tr.R.Thangavelu; the petitioner in W.P.No.14713 of 2016, who was granted the higher scale of pay on account of an erroneous fixation; that the representation submitted by the petitioner seeking revision of pay was rejected on the basis of G.O.Ms.No.520 Finance (FC) Department dated 01.04.1992, as Educational Qualification alone cannot be a ground for claiming a higher scale of pay; that a diploma is not the prescribed qualification for the post of Artist or Silk Screen Designer; that the petitioner was placed in Grade I at the time of his joining ; and that the petitioner cannot seek for perpetuating of an illegality by claiming higher scale of pay on the basis of the order obtained by Tr.R.Thangavelu.

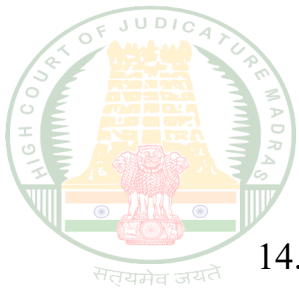


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11. Contending as above, the second respondent seek for dismissal of the writ petition.

12. The third respondent by the counter affidavit mainly contended that the petitioners are seeking fixation of pay on the basis of G.O.Ms.No.304; that Tr.R.Thangavelu whose case is sought to be relied upon by the petitioners in support of their claim, had completed 10 years of service as on 20.02.1986; and had, therefore become eligible for the scale of pay of Rs.1640-2900 in terms of Clause 8 of the G.O.Ms.304 ; that the petitioner in W.P.No.29143 of 2010 having joined service on 25.07.1983, would complete 10 years of service only on 24.07.1993; and that therefore, the petitioner is not entitled to claim the benefit under G.O.Ms.No.304 dated 28.03.1990.

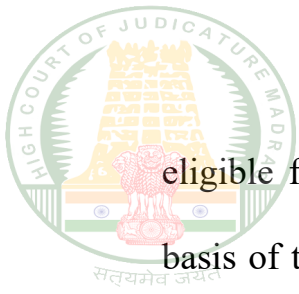
13. The third respondent further contended that the scale of pay of the post of artist was wrongly fixed at Rs.1400-2600 corresponding to the pre-revised scale of pay of Rs.705-1230; that based on the recommendations of the Official Committee, the scale of pay was revised to Rs.1200-2040 under G.O.Ms.No.520, Finance (Oat Cell) Department dated 01.08.1992 and that the petitioner, therefore is not entitled to claim the benefit under G.O.Ms.No.304.



14. Contending as above, the third respondent seek for dismissal of the writ petitions.

15. I have taken note of the respective contentions urged.

16. Admittedly, when the respondent revised the scale of pay of the post of Artist, Grade II, to Rs.1200-2040 in Selection Grade Pay under G.O.Ms.No.520 dated 01.08.1992, the petitioner did not challenge the same, as his pay in the scale of Rs.1400-2600 was protected. It was only after Tr.R.Thangavelu had approached this Court and obtained a favourable order in the year 2007, that the petitioner chose to approach the respondent by submitting a representation claiming, since he had initially been granted the scale of pay of Rs.1400-2600, he should also be granted the Selection Grade scale of pay of Rs.1640-2900. This claim has been made by the petitioners, notwithstanding the fact that if only the respondent had applied the correct scale of pay to the petitioner initially and thereafter, upon his being granted Selection Grade, the petitioner would have been placed in the scale of pay of Rs.1200-2040 and Rs.1400-2600 respectively. The respondent, while correcting the anomaly however, ensured that such correction does not result in the recovery of any excess amount paid to the petitioners treated them as notionally placed in the Selection Grade until they actually complete 10 years of service and become



eligible for the Selection Grade scale of pay i.e. Rs.1400-2600. It is on this basis of the benevolent action of the respondent, the petitioners have come up with the present claim, which, if accepted, would render G.O.Ms.No.520 dated 01.08.1992 a redundant executive order, whereby the respondent had corrected itself.

17. Further, insofar as the claim made by the petitioner for being granted a higher scale of pay by seeking parity with Tr.R.Thangavelu under G.O.Ms.No.304 is concerned, Clause 8 of the said G.O. makes it clear that the said Government Order shall take effect from 01.06.1988 in respect of those who had moved to the Selection Grade/Special Grade prior to 27.06.1989 and, in the case of others, it shall take effect from 27.06.1989. The effect of the said condition stipulated in Clause 8 of the said G.O. would mean that, for all those employees who have moved to the Selection Grade i.e on completion of 10 years of service in the ordinary grade, they would be entitled to arrears of pay and allowances from 01.06.1988. Insofar as, those who did not complete 10 years of service in the ordinary grade are concerned, the benefit would be available from 27.06.1989 as and when they completed 10 years of service in the ordinary grade. Accordingly, the grant of the said benefit though becomes effective from 27.06.1989, an employee would be eligible to claim the benefit only from the date, he completes 10 years of service in the ordinary pay and not as if they had become eligible for the said scale of pay from 27.06.1989, even



without completing 10 years of service in the ordinary grade. Admittedly, as the petitioner completed 10 years of service in the ordinary grade only in July 1993, and would thus become entitled to the benefit under G.O.Ms.No.304 only thereafter and not before.

18. Similarly, the petitioners in the other writ petitions, who had joined service on 09.08.1983, 03.06.1982 & 12.10.1982 respectively, would also become eligible for the Selection Grade only upon completion of 10 years from their respective dates of joining and not before. They would, therefore, be entitled to claim the benefit under G.O.Ms.No.304 dated 28.03.1990. only thereafter.

19. Considering the fact that the petitioners scale of pay has been revised under G.O.Ms.No.520, Finance (PC) Department dated 01.04.1992 and 'that the petitioners have been notionally placed in the scale of pay of Rs.1400-2600 so as not to effect any recovery from them, this Court is of the view that the petitioners cannot claim that they were placed in Selection Grade from the very beginning, thereby became eligible to the revised Selection Grade scale of pay of Rs.1640-2900 under G.O.Ms.No.304, as granting such a scale of pay by considering the petitioners notionally placed in Selection Grade, without revising the scale of pay to Rs.1200-2040 so as not to cause any monetary loss to the petitioner, said action by the respondent - State can, only be considered as



a gratuitous act and the petitioner cannot take advantage of the same to claim further monetary benefits.

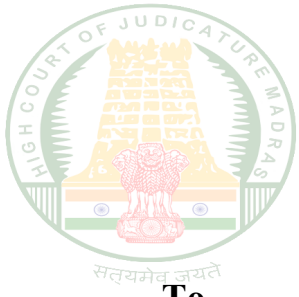
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20. In view of the above, this Court is of the considered view that the present writ petitions as filed by the petitioners seeking fixation of the scale of pay on the basis of G.O.Ms.No.304 is wholly misconceived.

21. Accordingly, these writ petitions are devoid of merit and are, therefore, dismissed. No order as to costs. Miscellaneous Petitions if any, stand closed.

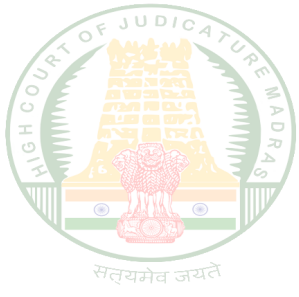
**17-07-2026**

Index : Yes/No  
Internet : Yes/No  
Neutral Citation : Yes/No  
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**To**  
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1. The Secretary To Government  
Agriculture Department,  
Fort St.George, Chennai-9.
2. The Director of Agriculture  
Chepauk, Chennai-5.
3. The Joint Director of  
Agriculture, Madurai.
4. The Joint Director of  
Agriculture, Dindigul.
5. The Joint Director of  
Agriculture, Erode.
6. The Joint Director of  
Agriculture, Cuddalore.



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WP Nos. 29143 to 29146 of 2



**T.VINOD KUMAR J.**

**KKD**

Pre-Delivery Common Order in  
**WP Nos. 29143 to 29146 of 2010**

**17-07-2026**