

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2015

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THE HONOURABLE MR.**JUSTICE D.HARIPARANTHAMAN**

**Review Application (Writ) Nos.246 to 251,  
253, 254 and 285 to 295 of 2014  
and  
M.P.Nos.1 to 3 of 2014  
in Review Application (Writ) Nos.246 to 251,  
253, 254 of 2014  
and  
M.P.Nos.1 and 2 of 2014  
in Review Application (Writ) Nos.285 to 295 of 2014**

**Rev.Appln.No.246 of 2014:**

1.The District Collector,  
Collectorate, Namakkal.

2.The District Treasury Officer,  
Namakkal District.

... Petitioners

vs.

1.P.Alagesan

2.The Block Development Officer,  
Block Panchayat,  
Namakkal Block.

... Respondents

Review Application No.246 of 2014 has been filed to  
review the order dated 22.1.2013 made in W.P.No.134 of 2012.

Rev.A.(Writ) Nos.246 to 251 and 253 and 254 of 2014:

For Petitioner : Mr.A.L.Somayaji,  
Advocate General,  
Assisted by  
Mr.K.V.Dhanapalan,  
Addl. Govt. Pleader

For Respondents : Mr.R.Nalliappan,  
for R.1  
Mrs.M.E.Rani Selvam,  
Addl.Govt.Pleader,  
for R.2

Rev.A.(Writ) Nos.285 to 295 of 2014:

For Petitioner : Mr.A.L.Somayaji,  
Advocate General,  
Assisted by  
Mrs.M.E.Rani Selvam,  
Addl.Govt.Pleader,

For Respondents : Mr.N.Manokaran,  
for R.1  
Mr.K.V.Dhanapalan,  
Addl. Govt. Pleader  
for R.2

### **COMMON ORDER**

The first respondent in all the review applications joined service in the years 1999-2000 or 2000-2001. Upon completion of ten and twenty years of service, they are entitled to Selection Grade Pay and Special Grade Pay respectively, as provided under G.O.Ms.No.65, Finance (Pay Cell) Department dated 26.2.2011 read with Letter

No.63305/Pay Cell/2010-I dated 8.11.2010 of the Finance Department. Hence, they have filed writ petitions in W.P.Nos.133 to 141 and 143 and 144 of 2012 and W.P.Nos.25930 to 25940 of 2013 respectively seeking a direction to the respondents therein to fix the selection grade scale of pay in accordance with the said Government Order, but, at the rate of Rs.9300-43800/- + 4200/-.

2. The said writ petitions were allowed by this Court by orders dated 22.1.2013 and 18.6.2014 respectively based upon the Government Order in G.O.Ms.No.234, Finance Department dated 1.6.2009. To review the said order, the present review applications are filed.

3. Learned Advocate General appearing for the State / petitioners submitted that at the time when the Government Order in G.O.Ms.No.234, Finance Department dated 1.6.2009 was passed, none of the writ petitioners (first respondent in all the review applications) had completed ten years of service to be eligible for grant of selection grade. Hence, they are not entitled for the benefit of the Government Order in G.O.Ms.No.234, Finance Department dated 1.6.2009.

4. Further, learned Advocate General submitted that similarly placed persons like that of the petitioners also approached this Court by filing writ petitions in W.P.Nos.133, 136 and 138 of 2012 seeking the same relief and this Court by an order dated 22.1.2013 allowed the said writ petitions. Challenging the said order, the State filed writ appeals in W.A.Nos.1719 to 1721 of 2013 and the Division Bench of this Court, by judgment dated 3.9.2015, modified the order passed in said writ petitions. The judgment of the Division Bench passed in the writ appeals is usefully extracted hereunder:-

*"6. The main contention of the learned Advocate General appearing for the appellants is that at the time when G.O.Ms.No.234 dated 1.6.2009 was passed, none of the respondents herein (writ petitioners) had completed ten years of service, to be eligible for the grant of selection grade. If they were not eligible for the grant of selection grade, the question of eligibility for the grant of special grade would not have arisen. Therefore, the sum and substance of the contention of the learned Advocate General is that a benefit extended by a Government Order to persons who had moved over to the selection grade and special grade on a particular date, cannot be claimed by persons who were not even in that grade on that date.*

*7. A careful perusal of the order of the learned Judge and the affidavits filed by the petitioners in the writ petitioners would show that they could not have completed ten years of service on the date on which G.O.Ms.No.234 Finance Department dated 1.6.2009 was passed. Therefore, their claim, which was allowed by the learned Judge on the basis of G.O. Ms.No.234 Finance Department dated 1.6.2009, cannot be correct.*

*8. Further, in respect of persons, who had moved over to the selection grade and special grade after the issue of G.O.Ms.No.234 Finance Department dated 1.6.2009, the Government had granted benefit under G.O.Ms.No.237 Finance Department dated 22.7.2013. The operative portion of this order at para 3 and 4 reads as follows:-*

*"3) After careful examination, the Government has decided to implement the above recommendation of the Pay Grievance Redressal Cell. Accordingly, Government direct that an additional increment benefit (over and above the existing one increment benefit) equivalent to 3% + 3% of basic pay (Pay + Grade Pay) shall be granted to the employees on award of Selection Grade/Special Grade in the revised scales of pay implemented w.e.f. 01.01.2006.*

*4) The above orders shall take notional effect from 01.01.2006 with monetary benefit from 01.04.2013."*

*9. It is stated by the learned Advocate General that the writ petitioners are entitled to the benefit of G.O.Ms.No.237 dated 22.7.2013. In view of the above, the writ appeals are allowed. The order of the learned Judge is modified to the effect that the writ petitioners, viz., the respective first respondent herein, are entitled to the benefit of para 3 and 4 of G.O.Ms.No.237 Finance Department dated 22.7.2013. No costs. The connected miscellaneous petitions are closed. "*

4. In the light of the above, all the review applications are allowed and the orders dated 22.1.2013 and 18.6.2014 passed in

**D.HARIPARANTHAMAN, J.**

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W.P.Nos.133 to 141 and 143 and 144 of 2012 and W.P.Nos.25930 to 25940 of 2013 respectively are modified to the effect that the writ petitioners, viz., the respective first respondent herein, are entitled to the benefit of paragraph Nos.3 and 4 of the Government Order in G.O.Ms.No.237, Finance Department dated 22.7.2013. No costs. Consequently, connected miscellaneous petitions are closed.

**27.10.2015**

Index :Yes/No  
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