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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.04.2021

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P. RAJAMANICKAM

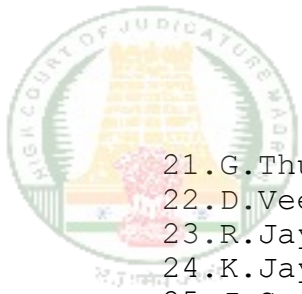
Rev. Application Nos. 111/2016 and 120, 121, 122, 123, 124, 125,
126, 127, 128 & 129 of 2017
in
W.A. Nos. 538 of 2013, 1241 of 2012 and 383, 384, 385, 386, 387,
388, 389, 390 & 391 of 2009
and
Cont. P. Nos. 487/2017, 1515/2015, 1514/2015, 1516/2015 &
2760/2015,

The Registrar,
The Tamil Nadu Veterinary and
Animal Sciences University,
Madhavaram Milk Colony,
Chennai 51.

...Petitioner in Rev. Applw. No. 111/2016

Vs

1. C. Mariyappan
2. V. Subramani
3. R. Kandasamy
4. S. Kalaimani
5. M. Manivannan
6. S. Manickavasagam
7. C. Balakrishnan
8. K. Pachiappan
9. S. Punniyakotti
10. C. Raje
11. G. Bastin
12. K. Govindasamy
13. V. Annadurai
14. C. Ravi
15. C. Moorthi
16. R. Rajamani
17. R. Murali
18. N. Ravi
19. M. N. Dhanraj
20. M. Venkatachalam



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- 21.G.Thulasi Doss
- 22.D.Veerabadran
- 23.R.Jayaseelan
- 24.K.Jayaraman
- 25.J.Sagayaraj
- 26.K.Babu
- 27.R.Perumal
- 28.K.Vijayakumar
- 29.A.Sakthivel
- 30.R.Raja
- 31.M.Dharmaraj
- 32.P.Thangaraj
- 33.E.Ramachandran
- 34.V.Sekar
- 35.M.Kamrudeen
- 36.C.Sagayaraj
- 37.V.Ravichandran
- 38.K.Murthy
- 39.S.Aminudeen
- 40.V.Manavalan
- 41.C.Jaganathan
- 42.P.Krishnan
- 43.The Secretary to Government,
Department of Animal Husbandry,
Dairying and Fisheries,
Chennai 600 009.

- 44.The Commissioner of Animal
Husbandry and Veterinary Service,
D.M.S.Complex,
Chennai 600 006.

...Respondents Rev.Aplw.No.111/2016

1. The Commissioner of Agriculture
Engineering Department,
Chepauk, Chennai.5.
2. The Chief Engineer,
Agricultural Engineering,
Chennai 600 035.
3. The Joint Director of Agriculture Department,
Villupuram, Villupuram District.
4. The Assistant Executive Engineer,
Agriculture Engineering Department,
Villupuram, Villupuram District.
5. The Deputy Director of Horticulture,



Villupuram, Villupuram District.

6. The District Treasury Officer,
Villupuram.

...Petitioners in Rev.Aplw.No.120/2017
.Vs.

1.G.Selvaraj
2.K.Kumar
3.A.Devakumar
4.M.P.Kumar
5.A.Arumugam
6.M.Madhurai Muthu
7.P.Natarajan

...Respondents in Rev.Aplw.No.120/2017

1. State of Tamil Nadu
rep.by its Secretary to Government
Finance (Pay Cell) Department,
Fort.St.George, Chennai-9.

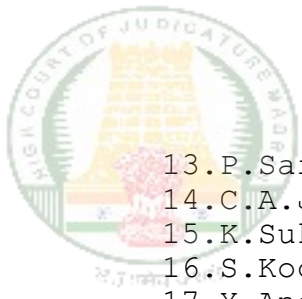
2. State of Tamil Nadu
rep.by Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St.George, Chennai-9.

...Common Petitioner in Rev.Aplw.Nos.121 to 129/2017
Vs.

1.V.Mariappan
2.S.Murugan
3.K.Vijayarajan
4.S.Veeraputhiran
5.V.Sundaram
6.P.Joseph
7.R.Prakasam
8.K.Abdul Jafer

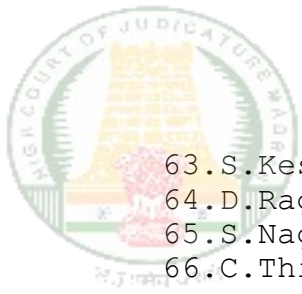
....Respondent in Rev.Aplw.No.121/2017

1.K.Sahadevan
2.G.Mani
3.R.Kannan
4.M.Elumalai
5.A.P.Rajan
6.R.Vijayan
7.K.Ramakrishnan
8.G.Selvaraj
9.V.Sukumaran
10.A.Abdul Jafar
11.J.Iyappan
12.K.Narayanaperumal



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- 13.P.Sarnappan
- 14.C.A.J.Chandramohan
- 15.K.Sukumaran Nair
- 16.S.Kochkunjan
- 17.Y.Anderson
- 18.S.Murugan
- 19.S.Vallinayagam
- 20.M.Duraisamy
- 21.R.K.Sundara Rajan
- 22.R.Manickam
- 23.A.Sakthivel
- 24.S.Palanisamy
- 25.S.Sreedharan
- 26.K.Balu
- 27.M.Mohamed Anwar
- 28.A.Manimaran
- 29.C.Manickavasagam
- 30.Sahul Hameed
- 31.P.Kannan
- 32.P.Santhanam
- 33.V.Murugesan
- 34.R.Muniyandi
- 35.M.Gopinathan
- 36.V.Rajendran
- 37.L.Ameer Batcha
- 38.A.Rathakrishnan
- 39.N.Kamatchi
- 40.A.Alphonse
- 41.N.Karmegam
- 42.A.William
- 43.R.Palanisamy
- 44.K.Muthuramalingam
- 45.S.Babu
- 46.K.Raju
- 47.J.Jeyaselvam
- 48.P.Ramakrishnan
- 49.B.Kandan
- 50.S.Thirumal Kumar
- 51.M.Sayeed Ali
- 52.S.Manidasan
- 53.V.Chandrasekar
- 54.A.Jambu
- 55.K.Damodaran
- 56.K.Kandasamy
- 57.N.Thangaraj
- 58.M.K.Thambu
- 59.N.Jayaraman
- 60.K.Balakrishnan
- 61.M.Ramachandran
- 62.S.Velliangri



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63.S.Kesavan
64.D.Raghupathy
65.S.Nagarathinam
66.C.Thiyagarajan

...Respondents in Rev.Aplw.No.122/2017

1.K.S.Barakathulla
2.P.Selvaraj
3.D.Kumaravel
4.M.Velayutham
5.S.Selvadoss
6.N.Ramakrishnan
7.D.Arokiyam

...Respondents in Rev.Aplw.No.123/2017

1.M.K.Singaram
2.P.kunjukrishnan
3.C.K.Mukkaiah
4.K.Raju

...Respondents in Rev.Aplw.No.124/2017

1.G.Isakimuthu
2.K.Subramanian
3.S.Sankaralingam
4.R.Kannan
5.I.S.Velu
6.G.Natarajan
7.P.Chokalingam
8.S.Chellappa

...Respondents in Rev.Aplw.No.125/2017

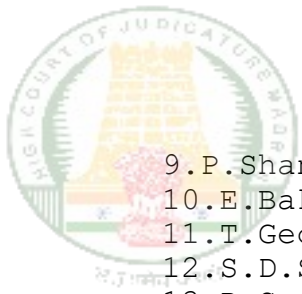
1.K.Singaraj
2.S.Murali
3.A.Jayamani
4.N.Muthaiah
5.P.Paulraj

...Respondents in Rev.Aplw.No.126/2017

1.V.Ramaswamy
2.A.Vijayakumar
3.S.Murugan
4.V.Ramakrishnan
5.G.Krishnan
6.S.Kumaresan
7.M.David

...Respondents in Rev.Aplw.No.127/2017

1.P.Vijayakumar
2.T.Deendayalan
3.V.Natarajan
4.P.Mani
5.J.Alexander Joseph
6.Ayyanar
7.M.Azhagu Pillai
8.R.Krishnasamy



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- 9.P.Shanmugam
- 10.E.Bakyadas
- 11.T.George
- 12.S.D.Simpson
- 13.D.Sasikumar
- 14.R.Raman
- 15.K.Blakrishnan
- 16.R.Natarajan
- 17.S.Murugan
- 18.M.John Thomas Benzigar
- 19.T.Mohan Muthulingam
- 20.A.Maridasan
- 21.P.Chandiran
- 22.K.V.Chandiran
- 23.Balakrishnan
- 24.M.K.Rangarajan
- 25.R.Velliangiri
- 26.C.Palanisamy
- 27.M.Uthuman Labai
- 28.J.Raju
- 29.S.Arumugam
- 30.D.Gopalakrishnan
- 31.J.Sebastian
- 32.B.Shanmuga Sundaram
- 33.K.Selvaraj
- 34.S.Rajakumaran
- 35.S.Singaravelu
- 36.G.Xavier
- 37.V.Karuppaiyan

...Respondents in Rev.Aplw.No.128/2017

R.Arumugam

...Respondents in Rev.Aplw.No.129/2017

- 1.P.Shanmugam
- 2.E.Bakyadas
- 3.T.George
- 4.S.D.Simpson
- 5.D.Sasikumar
- 6.R.Raman
- 7.B.Shanmuga Sundaram
- 8.Selvaraj
- 9.S.Rajakuraman
- 10.S.Singaravelu

...Petitioner in Cont.P.No.2760/2015

Vs.

Thiru.M.Shanmugam I.A.S.,
Principal Secretary to Government,
Finance (Pay Cell) Department,
Secretariat, Chennai 600 009.



...Respondent in Cont.P.No.2760/2015

- 1.Siluvai Nathan
- 2.T.Krishnamurthy
- 3.M.Selvamani
- 4.S.Mahalingam
- 5.A.Karthigeyan
- 6.A.Muthusamy
- 7.S.Mohan
- 8.S.Sivaji

....Petitioners in Cont.P.No.1514/2015

-VS-

- 1.Thiru.M.Shanmugam,I.A.S.
Principal, Secretary to Government
Finance (Paycell) Department, Secretariat
Chennai - 600 009

...Respondent in Cont.P.No.1514/2015

- 1.P.Lakshmiganthan
- 2.K.Manoharan
- 3.M.Elumalai
- 4.S.Kannilal
- 5.M.Balamuthu
- 6.N.Shanmugasundaram
- 7.M.Selvaraj
- 8.M.Sivalingam
- 9.E.Gnanasekaran
- 10.D.George Kutty
- 11.A.Mohamed Thameem
- 12.M.Jagadeesan
- 13.R.Sankaran
- 14.S.Balakrishnan
- 15.M.Rajaram
- 16.A.Paraman
- 17.S.Rajendran
- 18.C.Philipose
- 19.K.Kuppusamy
- 20.R.Arumugam
- 21.K.Gurumoorthy
- 22.E.Kannan
- 23.S.Mahaboob Basha
- 24.R.Dickson
- 25.P.Velu
- 26.G.Natarajan
- 27.S.Mohamed Ethiya Thaika Sahib
- 28.P.Ravi
- 29.M.Arumugam
- 30.B.Ravikumar
- 31.R.V.Shanmuga Saravanan

...Petitioners in Cont.P.No.1515/2015



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-VS-

1. Mr. Jatindra Nath Swain I.A.S
Secretary to Government,
Public (M.V) Department,
Secretariat, Chennai 600 009.

...Respondent in Cont.P.No.1515/2015

- 1.K.Jayaraman
- 2.K.Karuppiah
- 3.L.Ramakrishnan
- 4.M.Dhanaraj
- 5.M.Karunakaran
- 6.S.Dathuraj
- 7.P.Vadamalai
- 8.A.P.Durai
- 9.K.Varatharajan
- 10.K.Palani
- 11.K.S.Kandasamy
- 12.A.Vedachalam
- 13.P.Nagarathinam
- 14.D.Subramnian

...Petitioners in Cont.P.No.1516/2015

Vs.

Mr. Jatindra Nath Swain I.A.S
Secretary to Government,
Public (M.V) Department,
Secretariat, Chennai 600 009.

...Respondent in Cont.P.No.1516/2015

K.Sahadevan

...Petitioners in Cont.P.No.487/2017

Vs.

1. Thiru.K.Shanmugan I.A.S.,
Secretary to Government,
Finance (Pay Cell) Department,
Fort St.George, Chennai - 9.
2. Thiru.Davidar I.A.S.,
Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St.George, Chennai-9.

...Respondent in Cont.P.No.487/2017

PRAYER in Rev.Aplw.No.111/2016 :-Review Petition filed under Order XLVII read with Section 114 C.P.C against the order made in W.A.No.538/2013 dated 12.4.2013 in WP.29119/2012 filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directions the respondents to implement the Ordinary Grade Selection Grade and Special Grade Scale of Pay as indicated in Schedule II of the Tamilnadu Revised Scales of Pay



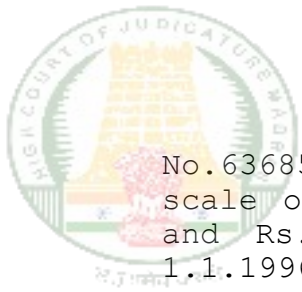
Rules 1998 at Rs.4000-6000 Rs.5000-8000 and Rs.5500-9000 respectively to the petitioners Drivers from the respective dates of completion of 10 years of service in the Ordinary Grade and 10 years in the Selection Grade with all consequential monetary benefits pay all arrears within a stipulated time period.

PRAYER in Rev.Aplw.No.120/2017 :-Review Petition filed under Order XLVII read with Section 114 C.P.C to review the order dated 27.01.2015 made in W.A.No.1241 of 2012 filed against in WP.27780/2010 filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directions the respondents to implement the Selection Grade and Special Grade Scale of Pay as indicated in Schedule-II of the Tamil Nadu Revised Scales of Pay Rules 1998 at Rs.5000/- and 5500/- respectively to the Petitioners Drivers from 1.1.1996 with all consequential monetary benefits and to pay all arrears within a stipulated time period

PRAYER in Rev.Aplw.No.121 to 129/2017 :-Review Petition filed under Order XLVII read with Section 114 C.P.C against the order of this Court dated 01.09.2009 made in W.A.Nos.383 to 391 of 2009 in WP Nos.4288, 2865, 4254 to 4257, 4290, 13254/2008 & 33874/2007 respectively, to issue writ of certiorarified mandamus calling for records relating to the proceedings made in first respondents Letter No. 63685/CMPC/2006-1 dated 1.10.2007 quash the same and consequently direct the respondents to extend appropriate revised scale of pay of Selection Grade and Special Grade at Rs 5 000/- and Rs. 5 500/- respectively to the petitioner drivers from 1.1.1996.

PRAYER in Cont.P.No.2760/2015: Contempt filed under Section 11 of the Contempt of Courts Act to punish the respondent for wilful disobedience of the order in W.P.NO.13524 of 2008 dated 30.09.2008 filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, calling for records relating to the proceedings made in first respondents Letter No. 63685/CMPC/2006-1 dated 1.10.2007 quash the same and consequently direct the respondents to extend appropriate revised scale of pay of Selection Grade and Special Grade at Rs. 5 000/- and Rs. 5 500/- respectively to the petitioner drivers from 1.1.1996

PRAYER in Cont.P.No.1514/2015: Contempt filed under Section 11 of the Contempt of Courts Act to punish the respondent for wilful disobedience of the order in W.P.NO.893 of 2009 dated 01.09.2009.filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus,calling for the records relating to the proceedings made in first respondents letter



No.63685/CMPC/2006-1 dated 1.10.2007 quash the same and revised scale of pay of selection grade and special grade at Rs.5000/- and Rs.5 500/- respectively to the petitioner drivers from 1.1.1996

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PRAYER in Cont.P.No.1515 & 1516/2015: Contempt filed under Section 11 of the Contempt of Courts Act to punish the respondent for wilful disobedience of the order in W.P.NO.22629 & 22640 of 2012 dated 17.09.2012. Filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to implement the selection Grade and Special Grade Scale of pay as indicated in Schedule II of the Tamilnadu Revised Scales of Pay Rules 1998 at Rs.5000-8000 and Rs.5500-9000 respectively to the petitioners Drivers from the respective date of completion of 10 years of service in the ordinary Grade and 10 years in the Selection Grade with all consequential monetary benefits and pay all arrears within a stipulated time period.

W.P.NO.22640 of 2012 : Directing the respondents to implement the Ordinary Grade Selection Grade and Special Grade Scale of Pay as indicated in Schedule-II of the Tamil Nadu Revised Scales of Pay Rules 1998 at Rs.4000-5000 Rs.5000-8000 and Rs.5500-9000 respectively to the Petitioners / Drivers from 01.01.1996 with all consequential monetary benefits and to revise their pensionary benefits and pay all arrears within a stipulated time period

PRAYER in Cont.P.No.487/2017: Contempt filed under Section 11 of the Contempt of Courts Act to punish the respondent for wilful disobedience of the order in W.A.NO.384/2009 dated 01.09.2009.

Rev.Aplw.No.111/2016:

For Petitioner	: Mr.S.Vijayakumar
For RR1 to 42	: Mr.Vijay Narayan
	Advocate General assisted by
	Ms.Narmadha Sampath
	Additional Advocate General
	and Mr.V.Jayaprakash Narayanan
	Government Pleader

Rev.Aplw.No.120/2017:

For Petitioner	: Mr.Vijay Narayan
	Advocate General assisted by
	Ms.Narmadha Sampath
	Additional Advocate General
	and Mr.V.Jayaprakash Narayanan
	Government Pleader
For Respondents	: Mr.M.Ravi



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Rev.Aplw Nos.121, 122 and 123 to 129/2017:

For Petitioner : Mr.Vijay Narayan
Advocate General assisted by
Ms.Narmadha Sampath
Additional Advocate General
and Mr.V.Jayaprakash Narayanan
Government Pleader

For RR1 and R37 in Rev.Aplw.No.122/2017:
Mr.L.Chandrakumar

For Respondents in Rev.Aplw.No.121 and 123 to 129/2017:
Mr.L.Chandrakumar

Cont.P.No.487/2017:

For Petitioner : Mr.L.Chandrakumar
For Respondents : Mr.Vijay Narayan
Advocate General assisted by
Ms.Narmadha Sampath
Additional Advocate General
and Mr.V.Jayaprakash Narayanan
Government Pleader

Cont.P.No.1514-1516/2015 & 2760/2015:

For Petitioner : Mr.M.Ravi
For Respondents : Mr.Vijay Narayan
Advocate General assisted by
Ms.Narmadha Sampath
Additional Advocate General
and Mr.V.Jayaprakash Narayanan
Government Pleader

COMMON ORDER

[Order of the Court was delivered by M.SATHYANARAYANAN, J.,]

The facts leading to the present round of litigation have been narrated in detail and in extenso in the impugned order and it is unnecessary to restate the facts once again.

2. A Single Bench of this Court, vide order dated 18.11.2013 made in W.P.No.1418 of 2013 and batch etc., had an occasion to consider the prayer made by the writ petitioners to extend appropriate revised scales of pay insofar as Selection Grade and Special Grade Driver to the petitioners are concerned forthwith on the basis of the VI Pay Scale Recommendations (Revised Pay Rules) as ordered in G.O.Ms.No.162, Finance (Pay Cell



Department) dated 13.04.1998 and disposed of the Writ Petitions and it is relevant to extract the following paragraphs:

51. Therefore, if it is taken that the learned single Judge in the order dated 30.09.2008 in W.P.No.4288 of 2008 and the Division Bench affirming the said order in the judgment dated 01.09.2009 in W.A.No.383 of 2009 have given direction to implement Selection Grade and Special Grade pay as per G.O.Ms.No.162, Finance (Pay Cell) Department, dated 13.04.1998, the petitioners are entitled to get 4000-6000 and 4300-6000 as Selection / Special Grade since admittedly their Ordinary Grade Pay is 3200-4900, as per G.O.Ms.No.162, dated 13.04.1998 and the G.O.Ms.No.162 nowhere granted the benefit of Selection Grade and Special Grade pay to the petitioners, who are Drivers, at Rs.5000-8000 and Rs.5500-9000, since the same is applicable to the Ordinary Grade Pay of Rs.4000-6000.

52. The claim for grant of Selection Grade and Special Grade at Rs.5000-8000 and Rs.5500-9000 is based on erroneous fixation at some places in some departments and the petitioners are not able to point out as to how they are entitled to the ordinary grade scale of pay at Rs.4000-6000 as on 01.01.1996 as per G.O.Ms.No.162, Finance (Pay Cell) Department, dated 13.04.1998, and unless the petitioners establish that they are entitled to the Ordinary Grade Pay of Rs.4000-6000, they are not entitled to the corresponding Selection / Special Grades pay of Rs.5000-8000 and 5500-9000. On the other hand, as as per G.O.Ms.No.162, the Ordinary Grade scale of pay of the Drivers is Rs.3200-4900 as 01.01.1996 and the persons, who were in receipt Rs.1200-2040 prior to 01.01.1996, were only given Rs.4000-6000 revised scale of pay, but the Drivers were not given Rs.1200-2040 before 01.01.1996 and they were given only Rs.975-1660, for which Rs.3200-4900 is the ordinary Grade pay.

53. Therefore, based on the aforesaid judgments and more particularly judgment of the Apex Court judgment in Union of India V. Shri Bhanwar Lal Mundan, reported in (2013) 6 MLJ 736 (SC), I am of the view that the petitioners cannot rely on the erroneous fixation in support of their claim.

54. For all the aforesaid reasons, the writ petitions fail and the same are dismissed. However, there will be no order as to costs. Consequently, connected miscellaneous petitions are closed. ''



3. A Division Bench of this Court (The Hon'ble Mr. Justice V. Ramasubramanian and The Hon'ble Mr. Justice T. Mathivanan) had dealt with the issue relating to the selection and special grade scales of pay admissible to persons working as drivers in various departments of the State of Tamil Nadu, Local Bodies and Boards under a Government Order G.O. Ms. No. 162, Finance (Pay Cell) Department, dated 13.04.1998 and delivered a common judgment dated 08.07.2015, exhaustively dealing with the factual aspect and more particularly, the Government Orders and various orders passed by this Court. The Division Bench has also observed as to the mistakes committed by the Courts by passing orders on the pretext that the issue is covered by an earlier proceedings and it is relevant to extract paragraph nos. 25, 26, 27 and 28 of the said judgment:

'25. Even in the very first judgement of a learned Judge of this Court dated 30.09.2008, which has led to hundreds and hundreds of Writ Petitions, no direction was issued to fix the selection grade scale at Rs.5000/- and special grade scale at Rs.5500/-. But unfortunately, the subsequent orders passed by this Court, mentioned these amounts, without any basis.

26. Therefore unless the law has developed to such an extent that once the Court commits a mistake, the same becomes irredeemable, even at the cost of public money, it is not possible for us to invoke Article 14. As we have pointed out elsewhere-

(a) the very first order of a learned Judge of this Court merely directed the grant of selection and special grades as per G.O. Ms. No. 162, without indicating the exact scales of pay;

(b) all subsequent orders passed in favour of the other employees, by various learned Judges of this Court, were passed at the stage of admission, without putting the Government on notice and without giving them an opportunity, solely on the basis that the issue raised in those cases were already covered by the decision of a single Judge dated 30.09.2008, which was also affirmed by the Division Bench by an order dated 01.09.2009;

(c) all subsequent orders got implemented by those petitioners, under threat of contempt.

27. Therefore, the Writ Petitioners in the present batch of cases cannot rely upon Article 14, when this Court never went into the question (except in the decision of D. Hariparanthaman, J) as to whether the drivers are entitled to a selection grade scale of pay of Rs.5000/- and a special grade scale of pay of Rs.5500/-.



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28. As rightly pointed out by the Learned Advocate General, the pressure that keeps mounting upon this Court due to the huge pendency and the tendency that results therefrom, to dispose of at least those cases which are covered by earlier decisions, even on the first or second date of hearing, has actually led to this position. Therefore we cannot sweep the core issue under the carpet and reiterate the same mistakes by taking recourse to Article 14. Hence we reject the first contention advanced on behalf of the employees.'

4. The Division Bench also dealt with the contention raised on behalf of the drivers that when several Benches of this Court both Single and Division, have passed orders in a particular manner, it is not open to the respondents to again and again re-agitate the same issue in every writ petitions and answered the said issue in paragraph no.35 and it is relevant to extract the same:

'35.Therefore, this Court should not feel shackled either by the rules of procedure or by the principles of propriety, when it is so glaring that a gross injustice has been done to the State (1) by writ petitions getting allowed at the stage of admission and (2) by getting those orders implemented under threat of contempt. This is especially so when the earliest decision that was followed in all other cases, did not decide the scale of pay to be granted for Selection and Special Grades. Hence, the second contention of the writ petitioners is also liable to be rejected.'

5. The Division Bench while answering the third contention as to the illegality cannot be perpetrated, has answered the said issue in paragraph no.40 by observing that ''.....An illegality will not undergo a metamorphosis and become legal, merely because it receive the seal of approval of a Court of law. Therefore, the third contention is also liable to be rejected.'

6. All the Writ Appeals came to be disposed of with the following directions:

42. Therefore, in the result, all the writ petitions filed by the individual employees claiming Selection Grade scale of pay of Rs.5000-8000 and Special Grade pay scale of Rs.5500-9000 are liable to be dismissed. However, there are a few writ petitions such as W.P.Nos.23550 of 2010, 5498 of 2012 and 30616 of 2012, where the employees claim that they are not even granted the admissible Selection Grade and Special Grade scales pay of Rs.4000-6000 and Rs.4300-6000



respectively.

43. Therefore, with a clarification that all the petitioners in the writ petitions and the respondents in the writ appeals are entitled only to a Selection Grade scale of pay of Rs.4000-100-6000 and a Special Grade scale of pay of Rs.4300-100-6000, but not more than that, all the writ petitions filed by the employees are dismissed. All the writ appeals filed either by the State Government or by various Heads of Departments or by various officers of the Government or by various Local Bodies or Boards or Corporations, shall stand allowed. There will be no order as to costs.

7. The learned Advocate General appearing for Review Applicants would submit that the said common judgment reported in 2015 (4) CTC 241, was put to challenge by filing Special Leave Petition and those petitions were entertained and were converted as Civil Appeal Nos.9533-537 of 2019 with Nos.9538-546 of 2019, 9547-549 of 2019, 9551-559 of 2019, 9560-561 of 2019 and were disposed of, vide common judgment dated 18.12.2019, reported in 2020 (3) SCC 133 (P.Singaravelan and Others Vs. District Collector, Tiruppur and Others).

8. Though the Hon'ble Supreme Court of India in paragraph no.18.2 of the said decision found that the High Court differed from the view taken previously by a coordinate Bench based on a misreading of the same, had taken into consideration the expeditious disposal of the matter and held that this Court is not inclined to remand the matter to the High Court for fresh consideration and dealt with the said issue on merits and framed the questions in paragraph no.22 as to whether the appellants are entitled to claim parity with the drivers who have so far been granted benefits vide the orders of the High Court and this Court, as mentioned supra in para 4 and answered the same in paragraph no.24 as under:

'24. Thus, it is evident that the appellants cannot claim the Selection Grade and Special Grade scales of pay of Rs 5000-8000 and Rs 5500-9000 respectively, solely on the strength of earlier decisions of the High Court, without showing how they, themselves, are entitled to such benefit in the first place. In such a situation, we are of the considered view that the appellants can only be granted the benefit of the Selection Grade and Special Grade scales of pay to which they are lawfully entitled in terms of GOMs No. 162 i.e. Rs 4000-6000 and Rs 4300-6000 respectively. ''



9. The Hon'ble Supreme Court also dealt with Civil Appeals arising out of SLP (Diary No.42301 of 2017), with respect to pay scale entitled for certain drivers employed by the High Court of Madras in terms of G.O.Ms.No.162 and answered the said issue in paragraph no.29 and 30 as under:

'29. As discussed supra, it has not been disputed before us that the drivers concerned were not entitled to any promotional avenues. Thus, it is evident that the High Court rightly concluded that the drivers were entitled to the full benefits of the appropriate pay scale under Schedule II to the 1998 Rules. However, in light of our foregoing finding that persons employed in the post of drivers in various departments in the Government of Tamil Nadu are only entitled to Ordinary, Selection and Special Grade pay scales in terms of Serial No. 6 of Schedule II to the 1998 Rules i.e. at Rs 3200-4900, Rs 4000-6000 and Rs 4300-6000 respectively, we have no hesitation to hold that the High Court erred in directing fixation of such pay scales to drivers employed at the High Court in terms of Serial No. 8 of Schedule II, fixing Selection Grade and Special Grade scales of pay of Rs 5000-8000 and Rs 5500-9000 respectively.

30. The appeals are therefore allowed partly, to the extent that the State Government is directed to fix the pay scale benefits available to the respondents in the instant appeals in terms of Serial No. 6 of Schedule II to the 1998 Rules under GOMs No. 162. ''

10. It is the submission of the learned Advocate General that in the light of the law declared by the Hon'ble Supreme Court of India in the above cited decision reported in 2020 (3) SCC 133, the review applications have to be allowed.

11. Per contra, Mr.L.Chandrakumar and Mr.M.Ravi, learned counsels appearing for the private respondents would submit that subsequent change of position would not be considered as error apparent on the face of the record and therefore, the orders, which are the subject matter of the present review applications, were perfectly sustainable and prays for dismissal of these review applications with exemplary costs.

12. This Court has carefully considered the rival submissions and also perused the materials placed before it.



13. It is a well settled position of law that the judgment rendered by the Hon'ble Supreme Court of India is retrospective in nature, unless it is indicated that it is prospective in nature. It is to be noted at this juncture that the Special Leave Petition preferred by Mr.P.Singaravelan, were entertained and they were converted as Civil Appeal Nos.9533-537 of 2019 batch etc and vide common judgment dated 18.12.2019, reported in 2020 (3) SCC 133, the Hon'ble Supreme Court of India has dismissed the set of appeals arising out of S.L.P (C).Nos.5395-99 of 2016, 5605-13 of 2016, 5391-93 of 2016, 5367-75 of 2016 and also disposed of Civil Appeal arising out of SLPs (Diary No.42301/2017) pertain to pay scale entitled for certain drivers employed by the High Court of Madras in terms of G.O.Ms.No.162 and the details of which has been extracted in the earlier paragraphs.

14. The said judgment being rendered in Civil Appeals are declared as law and in the absence of any indication that the said common judgment is prospective in nature, this Court is of the considered view that the said decision have full application to the case on hand. At this juncture, the respective learned counsels appearing for the private respondents would submit that in the light of the fact that the private respondents had got the benefits in view of the judgments rendered in their favour, there cannot be any order for recovery of the alleged excess amount paid to them.

15. On the said submission, this Court heard the submission of the learned Advocate General also.

16. Insofar as the said prayer sought for by the learned counsel for the private respondents are concerned, they are at liberty to submit representations to the official respondents concerned, who upon receipt of the same, are directed to consider the same on merits and in accordance with law and pass appropriate orders as expeditiously as possible.

17. In the considered opinion of this Court, in the light of the law declared by the Hon'ble Supreme Court of India in the above cited decision, which in turn also approved the views rendered by the Division Bench of this Court dated 08.07.2015 in W.A.No.1398 of 2013 batch etc., there is an error apparent on the face of the record and therefore, the impugned order warrants interference.



18. In the result, all the Review Applications are allowed and the judgments dated 12.04.2013 made in W.A.Nos.538/2013, dated 27.01.2015 made in W.A.No.1241/2012, , dated 01.09.2009 made in W.A.Nos.383 to 391/2009, on the file of this Court, are set aside and consequently Writ Appeals and Writ Petitions are dismissed subject to the observations made in paragraph no.16. In the light of the orders passed in the Review Application, the Contempt Petitions are closed. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Department of Animal Husbandry,
Dairying and Fisheries,
Chennai 600 009.
- 2.The Commissioner of Animal
Husbandry and Veterinary Service,
D.M.S.Complex,
Chennai 600 006.
3. Secretary to Government,
Finance (Pay Cell) Department,
Fort St.George, Chennai - 9.
4. Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St.George, Chennai-9.
5. The Registrar,
The Tamil Nadu Veterinary and
Animal Sciences University,
Madhavaram Milk Colony,
Chennai 51.
6. The Commissioner of Agriculture
Engineering Department,
Chepauk, Chennai.5.
7. The Chief Engineer,
Agricultural Engineering,
Chennai 600 035.



- JPL (CO)
K.RK. (16.07.2021)