



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Thursday, the Twenty Eighth day of January Two Thousand Sixteen

PRESENT

WEB COPY

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

WMP(MD) No.1557 of 2016

IN

WP(MD) No.21132 of 2015

1 S. KANNAN
2 S. JELINA NEETHI BAI
3 L. RAJALAKSHMI
4 R. DAMAYANTHI
5 K. VIJALAKSHMI
6 M. KASTHURI
7 M. VADAMALRAJ
8 M. PADMASURAN
9 A. BALASUBRAMANI

... PETITIONERS/ PETITIONERS

Vs

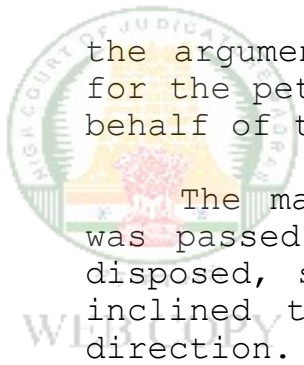
1 THE SECRETARY TO GOVERNMENT FINANCE DEPARTMENT,
SECRETARIAT,
CHENNAI-600 009.

2 THE SECRETARY TO GOVERNMENT
TAMIL NADU DEVELOPMENT INFORMATION DEPARTMENT,
SECRETARIAT,
CHENNAI-600009.

3 THE DIRECTOR OF STATIONARY & PRINTING
NO.110, ANNA SALAI,
CHENNAI-600002.

... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an AD-INTERIM DIRECTION directing the 3rd respondent to allow selection grade and special grade scales of pay of Rs.9300-34800+4200 (GP) and 9300-34800+4400(GP) to the post of Book Binder Grade-II as per revised Selection Grade and Special Grade scale of pay as clarified in Government Letter No.63305/Pay-cell/2010-1 dated 08/11/2010 on the recommendations of the one men commission-2010 and pay all monetary benefits accruing thereon and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.



the arguments of MR.AJMALKHAN for M/S.AJMAL ASSOCIATES, Advocate for the petitioner and of M/S.S.BHARATHI Government Advocate for on behalf of the Respondents the court made the following order:-

The matter was heard at length and an order dated 27.11.2015 was passed expressing the view of this Court. The matter is not disposed, since no counter affidavit is filed so far. Hence, I am inclined to dispose of W.M.P(MD)No.1557 of 2016 seeking interim direction.

2.Heard both sides.

3.It is not in dispute that the petitioner is a Junior Binder recruited by way of direct recruitment and the next promotion for Junior Binder is the post of Senior Binder or Junior Foreman as per Class-IV in the Annexure to the Special Rules of the Tamil Nadu Government Press Subordinate Service.

4.The petitioner joined in 1993 as Junior Binder. He was granted selection grade in 2003. When his pay was revised with effect from 01.01.2006, the grade pay to the selection grade post of Junior Binder was restricted to the grade pay of Senior Binder, on the ground that the selection grade pay shall not exceed the pay of the first level promotion.

5.The learned Senior Counsel for the petitioner has submitted that the first level promotion for Junior Binder is not only to the post of Senior Binder as per the rules stated above and they could be promoted to the post of Junior Foreman, if they possess the requisite qualification under the rules.

6.According to the learned counsel for the petitioner, the petitioner is in possession of the relevant qualification as per the rules. It is also submitted that his colleagues were promoted as Junior Foreman, who were in in possession of the qualification as that of the petitioner and as and when vacancy arises in the post of Junior Foreman, he could be promoted as Junior Foreman. It is further submitted that only those persons who do not have the requisite qualification for promotion to the post of Junior Foreman, could be promoted to the post of Senior Binder.

7.In my view, the petitioner is in possession of the requisite technical qualification for promotion to the post of Junior Foreman and hence, when his pay was revised with effect from 01.01.2006 in the post of Selection Grade Junior Binder, the same shall not exceed the pay of the Junior Foreman only. Therefore, the respondents are not correct in restricting the pay of the petitioner to the level of Senior Binder for the reasons stated above. Hence, a direction as sought for is issued pending disposal of the writ petition.

sd/-

28/01/2016

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TO

1 THE SECRETARY TO GOVERNMENT FINANCE DEPARTMENT,
SECRETARIAT,
CHENNAI-600 009.

2 THE SECRETARY TO GOVERNMENT
TAMIL NADU DEVELOPMENT INFORMATION DEPARTMENT,
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+1. C.C. to M/S.AJMAL ASSOCIATES Advocate SR.No.5488

ORDER
IN
WMP (MD) No.1557 of 2016
IN
WP (MD) No.21132 of 2015
Date :28/01/2016

RG.PM-MP/SAR-I 29.01.2016 3P.5C