

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2017

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THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
And
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3474 of 2013

Tamil Nadu Judicial Ministerial Officers Association,
Rep by its General Secretary C.Ragulan
... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by its Secretary,
Home Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2.The Registrar General,
High Court of Madras,
Chennai - 600 104.

... Respondents

Prayer:

Writ petition filed under Article 226 of Constitution of India praying to issue a writ of mandamus and to issue directions to the first respondent to grant 5% personal pay with interest to the Examiners and Readers and Copyists as per G.O.Ms.No.664 Finance (Pay Cell) Department dated 24.08.1982 with effect from 01.08.1992 and as per G.O.Ms.No.497 Finance (Pay Cell) Department dated 15.09.1998 with effect from 01.09.1998.

For Appellant : Mr.V.Bhiman
For Respondents: Mr.S.Babu for R1
Government Advocate
Mr.R.Vijayakumar for R2

O R D E R

(Order of the Court was made by NOOTY.RAMAMOHANA RAO,J.)

This writ petition is instituted by the Tamil Nadu Judicial Ministerial Officers Association seeking a direction to the respondent State to grant 5% personal pay with interest to the Examiners, Readers and Copyists as per G.O.Ms.No.664, Finance (Pay Cell) Department, dated 24.08.1982, with effect from 01.08.1992 and as per G.O.Ms.No.497, Finance (Pay Cell) Department, dated 15.09.1998, with effect from 01.09.1998.

2.The writ petition is instituted on 17.01.2013, after lapse of several years from the time the two Government Orders, based on which the claim is made, are issued. This writ petition could be dismissed on the ground of laches and extraordinary delay.

3.It is true that the State Government passed orders through their G.O.Ms.No.664, Finance (Pay Cell) Department, dated 24.08.1982, extending some sympathetic consideration and to positively motivate certain cadres of employees in undertaking important items of work entrusted to them and also keeping in view the responsibility attached to those categories, granted personal pay at 5% of the basic pay to all categories of staff in the scales of pay mentioned therein. The scales of pay mentioned therein are four and they are as follows:

"i) All categories of staff in the pre revised scales of pay at Rs.475-775 moving over to the revised scale of pay of Rs.775-1030.

ii) All categories of staff in the pre revised scale of pay of Rs.610-1075 moving over to the revised scale of (Pay of Rs.950-1500 or Rs.975-1660).

iii) All categories of staff in the pre revised scale of Pay of Rs.705-1230 moving over to the revised scale of pay of Rs.1200-2040, and

iv) All categories of staff in the pre revised scale of Pay of Rs.90-1545 moving over to the revised scale of pay of Rs.1600-2660."

4.From the above order of the Government, it becomes clear that such of those categories of staff who are in the pre-revised scales of pay of Rs.475-775 and then moved over to the revised scale of pay of Rs.775-1030 and those who are in the pre-revised scale of pay of Rs.610-1075 and moved over to the

revised scale of pay of Rs.950-1500 or Rs.975-1660 and those who are in the pre-revised scale of pay of Rs.705-1230 but moved over to the revised scale of pay of Rs.1200-2040 and those who are in the pre revised scale of pay of Rs.900-1545 who moved over to the revised scale of pay of Rs.1600-2660, they alone are entitled to be paid the additional allowance of 5% of their basic pay. The petitioner Association sought for payment of 5% personal pay to those who are working in the categories of Examiners, Readers, Senior Bailiffs and Copyists. It is their case that they are carrying an identical scale of pay of Rs.975-1660.

5.It is relevant to point out that as per the IV Pay Commission, the scale of pay attached to the post of Reader and Examiner is Rs.555-970, whereas, the scale of pay attached to that of a Junior Assistant in the IV Pay Commission scales was Rs.610-1075. Thus, there is no similarity between the pre-revised scales of pay of Readers, Examiners and Copyists and that of the Junior Assistants. Since the writ petitioner Association is espousing the cause of Readers, Examiners and Copyists, who are not in the pre-revised scales of pay of Rs.475-775, but have moved into the revised scale of pay of Rs.775-1030 or in the pre-revised scale of pay of Rs.610-1075 who have moved into the revised scale of pay of Rs.950-1500 or Rs.975-1660, the benefit of payment of 5% personal pay as ordered by the State Government in their G.O.Ms.No.664, Finance (Pay Cell) Department, dated 24.08.1982 simply does not arise.

6.It is not difficult for us to understand as to why the 5% additional pay has been sanctioned by the State Government to be paid to those two categories. Such of those employees who are drawing their pay in the pre-revised scales of pay of Rs.475-775 are assigned the revised scale of pay of Rs.775-1030. Such of those senior most employees who may have already reached the maximum of the scale of pay namely, Rs.775, by virtue of the revision of the scale of pay to Rs.775-1030, they would hardly get any benefit out of such a pay revision, excepting, perhaps one incremental jump. Same is the case with regard to those employees, who are in the pre-revised scale of Rs.610-1075 who moved into the revised scale of pay of Rs.950-1500 or Rs.975-1660. In this category, the problem is still worse. Such of those employees who have already crossed the stage of Rs.950/- in the pre-revised scale of Rs.610-1075, the new scale beginning either at Rs.950/- or Rs.975/- does not fetch them much relief at all, that being less than the maximum of the pre-revised scale of pay of Rs.1075/-. It is to eliminate the hardship of such categories of employees, the State Government has granted 5% additional pay.

7. Therefore, we see no justification whatsoever to entertain the claim of the writ petitioner association for the payment of 5% additional pay to those working in the cadres of Readers, Examiners and Copyists. Accordingly, we find no merits in this writ petition and hence, it is dismissed, but however, without costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.State of Tamil Nadu,
Rep. by its Secretary,
Home Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2.The Registrar General,
High Court of Madras,
Chennai - 600 104.

+1cc to Mr.V.Bhiman, Advocate, S.R.No.42787
+1cc to the Government Pleader, S.R.No.43080

RR(CO)
RS(28/06/2017)

W.P.No.3474 of 2013

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