



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2017

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CORAM:
THE HONOURABLE MR.JUSTICE **R.SUBBIAH**
AND
THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.P. [MD].No.14552 of 2015
and
M.P. (MD) Nos.1 and 2 of 2015

Tamil Nadu Judicial Bailiffs Association,
State Centre at Madurai District Court,
Madurai,
Rep. by its President,
T.Thambidurai : Petitioner
Vs.

1.The State of Tamil Nadu,
Rep. the Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George,
Chennai.

2.The Registrar General,
High Court of Madras,
Chennai.

3.The Principal Accountant General,
(Accounts & Entitlements),
Anna Salai,
Chennai-18. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned proceedings of the first respondent in G.O.Ms.No.193, Finance (Pay Cell) Department, dated 06.07.2015 and the consequential impugned rejection letter issued by the first respondent in Letter No.38065/Pay Cell/2015-1, dated 06.07.2015 and quash the same as illegal and consequentially, to direct the first respondent to reconsider and refix the pay of scale of the members of the petitioner Association viz., Senior Bailiffs as - Rs.5200-20200+2800 Grade Pay, Selection Grade Senior Bailiffs as - Rs.9300-34800+4200 Grade Pay and Special Grade Senior Bailiffs as - Rs.9300-34800-4400 Grade Pay.



For Petitioner : Mr.AL.Kannan
For Respondent No.1 : Mr.N.S.Karthikeyan,
Additional Government Pleader
For Respondent No.3 : Mr.R.Aravindan

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O R D E R

[Order of the Court was made by **R.SUBBIAH, J.**]

The present Writ Petition has been filed seeking for the issue of a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned proceedings of the first respondent in G.O.Ms.No.193, Finance (Pay Cell) Department, dated 06.07.2015 and the consequential impugned rejection letter issued by the first respondent in Letter No.38065/Pay Cell/2015-1, dated 06.07.2015 and quash the same as illegal and consequentially, to direct the first respondent to reconsider and refix the pay of scale of the members of the petitioner Association viz., Senior Bailiffs as Rs.5200-20200+2800 Grade Pay, Selection Grade Senior Bailiffs as Rs.9300-34800+4200 Grade Pay and Special Grade Senior Bailiffs as - Rs.9300-34800-4400 Grade Pay.

2. When the matter was taken up for consideration today, the learned Additional Government Pleader appearing for the first respondent submits that in fact, in the Writ Petition filed by the very same petitioner in W.P.(MD)No.12698 of 2010, by order dated 01.12.2016, the First Bench of this Court has given a direction to the State Government to take necessary action and pass appropriate orders, within a period of two months. The order dated 01.12.2016 reads as follows:

"A plea is sought to be taken in the counter affidavit that no recommendation, as claimed for by the petitioner, was made in respect of Senior Bailiffs and thus the recommendation has been implemented in respect of Junior Bailiffs.

2. The learned counsel for the petitioner has drawn our attention to the relevant portion of Shetty Commission's Recommendations, dealing with the cadre of Bailiffs, where the class consists of two cadres, viz., Process Servers and Senior Bailiffs. The pay scale is recommended as admissible to Assistant/LDC in the respective States be given to the cadre of Bailiffs/Head Bailiffs.

3. In the nomenclature used in the State of Tamil Nadu, as apparent from the counter affidavit itself, Junior Bailiff is only Process Server and Senior Bailiff



is Bailiff.

4. In view of the aforesaid position emerging from the records, the State Government shall take necessary action and pass appropriate orders within a period of two months from today. The petition stands disposed of."

3. In view of the order passed by the First Bench referred to above, the impugned orders are set aside and the Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu,
Finance (Pay Cell) Department,
Fort St. George,
Chennai.

2. The Registrar General,
High Court of Madras,
Chennai.

3. The Principal Accountant General,
(Accounts & Entitlements),
Anna Salai,
Chennai-18.

+1 cc to Special Government Pleader SR.No.1983

ORDER MADE IN
W.P. [MD].No.14552 of 2015
Dated: 09.01.2017

SMA/SV/25.01.2017:3P/5C