

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.236 of 2014
and
M.P.No.1 of 2014

- 1.The Director of Medical and Rural Health Services,
Chennai - 6.
 - 2.The Deputy Director of Health Services,
Perambalur.
 - 3.The Deputy Director of Medical and Rural Health Services,
Family Welfare Bureau,
Perambalur.
 - 4.The Medical Officer,
Government Headquarters Hospital,
Perambalur.
 - 5.The District Treasury Officer,
Perambalur.
 - 6.The Sub-Treasury Officer,
Jayankondam,
Ariyalur District.
- ... Appellants/Respondents
- सत्यमेव जयते
versus

- 1.D.Sambasivam ... 1st Respondent/11th Petitioner
- 2.A.Savarinathan
- 3.A.Kandaiah
- 4.D.Thangaraju
- 5.D.Durairaj
- 6.M.Karunakaran

7.K.Selvarajan

8.R.Durairaja

9.R.Narayanasamy

10.K.Noorteen Basha

11.K.Erulapillai

12.A.Boss

... Given up 2 to 12 Respondents/ 1 to 12
the Petitioners

PRAYER: Appeal filed against the order passed by this Court dated 01.08.2012 made in W.P.No.18931 of 2012.

W.P.18931 of 2012 : 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 1.1.1996 with all consequential monetary benefits and to revise their pensionary benefits and pay all arrears within a stipulated time period.

For Appellants : Mr.K.Karthikeyan
Government Advocate

For Respondents : Mr.N.Umapathi

J U D G M E N T

(Order of the Court made by R.SUBRAMANIAN,J.)

The challenge in this intra-Court appeal is to the order of the learned Single Judge dated 01.08.2012 made in W.P.No.18931 of 2012, in and by which, the Writ Petition filed by the respondents was allowed directing conformant of Selection Grade as well as Special Grade pay as indicated in schedule II of the Tamil Nadu Revised Scales of Pay Rules, 1998 to the respondents from 01.01.1996 with all consequential monetary benefits and to revise the pensionary benefits and pay all arrears within a stipulated time.

2. The claim of the respondents in the Writ Petition was that the respondents who were working as drivers in the Medical and Rural Health Services, Forest and Panchayat Development Departments who had retired were aggrieved by non implementation of Selection Grade and Special Grade as indicated in Schedule II

of the Tamil Nadu Revised Scales of Pay Rules, 1998 with effect from 01.01.1996 with consequential benefits. The respondents approached this Court seeking issuance of a Writ of Mandamus as aforesaid.

3. It was also contended on behalf of the respondents before the Writ Court that the matter in issue is covered by the orders of this Court made in W.P.No.22919 of 2010 dated 07.10.2010. The very same issue was considered by the Division Bench of this Court in W.A.No.383 to 391 of 2009 and the appeals were dismissed on 01.09.2009 confirming the order of the learned Single Judge made in W.P.No.4288 and 13524 of 2008 etc., batch dated 30.09.2008. Referring to the judgment of the Division Bench in W.A.No.383 to 391 of 2009, the learned Single Judge held that the issue involved in these Writ Petitions is squarely covered in favour of the respondents herein in view of the judgment of the Division Bench in W.A.Nos.383 to 391 of 2009 dated 01.09.2009.

4. On the aforesaid conclusion the learned Single Judge allowed the Writ Petition and directed the benefits of Special Grade and Selection Grade of pay to be conferred on the respondents within a period of four months from the date of receipt of a copy of the order. The respondents were also directed to furnish the particulars of each one of them to enable the Government to calculate the Selection Grade and Special Grade pay as well as the pensionary benefits.

5. It is this order which is subject matter of challenge in this intra-Court appeal. The main ground on which the challenge was based was that the appeal filed by the State against the judgment of the Division Bench in W.A.No.383 to 391 of 2009 was pending on the file of the Hon'ble Supreme Court on the date when the Writ Petition came to be allowed as SLP civil No.35969 of 2009.

6. We have heard Mr.K.Karthikeyan, learned counsel appearing for the appellants and Mr.N.Umapathi, learned counsel appearing for the respondents.

7. It is now reported that the SLP Civil No.35969 of 2009 filed challenging the judgment of the Division Bench in W.A.No.383 to 391 of 2009 came to be dismissed by the Hon'ble Supreme Court on 25.02.2015. Therefore, the only ground of challenge is also not now available to the appellants. In fact it was conceded before the learned Single Judge that the issue is covered by the judgment of the Division Bench referred to supra. Since the judgment of the Division bench in W.A.No.383 to 391 of 2009 has been confirmed by the Hon'ble Supreme Court, we do not see any reason to interfere with the order of the learned

Single Judge.

8. Hence, the Writ Appeal fails and the same is dismissed. However, in the circumstances without costs. In view of the dismissal of the Writ Appeal the respondents are directed to comply with the orders in the Writ Petition within a period of twelve weeks from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

dsa

To

- 1.The Director of Medical and Rural Health Services,
Chennai - 6.
- 2.The Deputy Director of Health Services,
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- 3.The Deputy Director of Medical and Rural Health Services,
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- 6.The Sub-Treasury Officer,
Jayankondam, Ariyalur District.

+1cc to Mr.N.Umapathi, Advocate SR.No.44709
+1cc to Government Pleader SR.No.45736

W.A.No.236 of 2014

CA(CO)
GN(07/08/2018)