

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 17-04-2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.32792 OF 2016

V.Manoharan

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Petitioner

-VS-

1.The Secretary to the Government of Tamil Nadu,
Tourism, Culture and Religious Endowments Department,
Secretariat,
Chennai-600 009.

2.The Secretary to the Government of Tamil Nadu,
Finance Department, Secretariat,
Chennai – 600 009.

3.The Managing Director,
Tamil Nadu Tourism Development Corporation Limited,
Tamil Nadu Tourism Complex,
No.2, Wallajah Road, (near Kalaivanar Arangam),
Chennai – 600 002.

4.The General Manager,
Tamil Nadu Tourism Development Corporation Limited,
Tamil Nadu Tourism Complex,
No.2, Wallajah Road, (near Kalaivanar Arangam),
Chennai – 600 002.

...

Respondents

Petition under Article 226 of the Constitution of India, praying for issuance
of writ of certiorarified mandamus, to call for the records in so far as granting revision

of Selection Grade/Special Grade scale of pay in the post of Receptionist, Accounts Assistant and Accountant monetarily with retrospective effect from 01.02.2011 instead of 01.01.2007 in the impugned G.O.Ms.No.237, Tourism, Culture and Religious Endowments (T2-2), Department, dated 24.09.2014, issued by the first respondent; consequential proceeding No.1744/A2/2011, dated 05.11.2014, issued by the fourth respondent, non-feasibility of extending the revision of pay monetarily from 01.07.2007 to the Selection/Special Grade in regard to the post of Receptionist, Accounts Assistant, and Accountant, informed in Letter No.12946/T2-2/2015-1, dated 20.01.2016, issued by the first respondent and the consequential rejection informed in Memo No.1744/A2/2011, dated 31.03.2016, issued by the third respondent, quash the same and direct the first respondent to issue amendment for revision of Grade Pay of the Selection/Special Grade in the post of Receptionist, Accountants Assistant and Accountant monetarily from 01.01.2007 on par with the Selection/Special Grade in the post of Junior Assistant, Telephone Operator and Steno Typist.

For petitioner : Mr.R.Ramachandran

For respondents 1 & 2 : Mrs.R.Janaki,
Addl.Govt.Pleader.

For respondents 3 & 4 : Mr.R.Bala Ramesh

ORDER

Petitioner has filed this Writ Petition, challenging the Proceeding No.1744/A2/2011, dated 31.03.2016, issued by the third respondent, rejecting the representation made to antedate the financial benefit granted to him in the Selection Grade of Receptionist, as granted to his counterparts/Junior Assistants from 01.01.2007,

by quashing the order of the Government vide G.O.Ms.No.237, Tourism, Culture and Religions Endowments (T2-2) Department, dated 24.09.2014, and also the consequential orders passed subsequently.

2. According to the petitioner, he joined the service of the third respondent in the year 1988 and he got selection grade scale in the year 1998. Pursuant to the VI Pay Commission recommendations, which came into force from 01.01.2006, the scales of pay of the employees were revised at par with their counterparts in the Government. According to the resolution of the Government, their pay was also enhanced from the said date at par with Junior Assistants/Typists of the entry grade i.e., from Grade Pay of Rs.2000/- to Rs.2400/-. By a subsequent resolution, notional benefit was granted from 01.01.2006, but, actual financial benefit was granted from 01.02.2011, but, for selection grade employees, their grade pay was revised from the said date, but the actual financial benefit was given from 01.01.2007. Therefore, a representation was made by the petitioner on 02.05.2012 in that regard, which was rejected by the third respondent. The writ petitioner has challenged the same on the ground that when his counterparts in the Government, namely, Junior Assistants and Accountants in the selection grade have been granted the benefit from 01.01.2007, there was no apparent reason to reject such benefit to the petitioner. Hence, this Writ Petition by the petitioner with the prayer to grant financial benefit from 01.01.2007, as he fulfilled the other criteria.

3. No counter affidavit has been filed by the State Government. But, the fourth respondent, admits that though a resolution had been passed by the Board, the same was not approved by the Government, and, therefore, the request of the petitioner has been rejected.

4. Learned counsel for the petitioner, however, submits that considering the grievance of the petitioner, the One Man Anomaly Committee appointed for the purpose, had recommended to enhance the grade pay of the Junior Assistants, Assistants and others in the Government service from Rs.4200/- to Rs.4400/- after the VI Pay Commission with notional benefit from 01.01.2006, but the actual benefit was extended only from 01.02.2011. However, for the selection grade employees, who are already in selection grade, the enhanced grade pay was given notionally from 01.01.2006 and monetary benefit from 01.01.2007, which had already been accepted by the Government. There was no apparent reason why the same was not applied to the present petitioner, who had been granted such benefit by a resolution of his employer. This is a clear discrimination by the first respondent in not extending the recommendation of the One Man Anomaly Committee, which was extended to Junior Assistants, Assistants and others, whose services are at par with the Government servants as that of the petitioner and, hence, the impugned orders is liable to be quashed and the Government be directed to extend the benefit to the selection grade employees, like that of the petitioner, notionally from 01.01.2006 and monetarily from 01.01.2007.

5. However, learned Additional Government Pleader, appearing for the State, though has not filed counter affidavit, would submit that the contention of the petitioner is untenable, inasmuch as when Junior Assistants have been given monetary benefit from 01.02.2011, selection grade employees cannot be granted benefit from 01.01.2007 and, therefore, the writ petition is devoid of merit and liable to be dismissed.

6. So far as the fourth respondent is concerned, his submission is that in view of the non-approval of the proposal by the Government, the petitioner cannot be extended the said benefit and, as such, his representation was rejected.

7. It appears, the report of the One Man Anomaly Committee with regard to revision of scale of pay of Junior Assistants/Typists/Telephone Operators was accepted by the Government, enhancing their grade pay in the selection grade or special grade and, so far as the ordinary grade is concerned, it shall take effect from 01.01.2006, but the actual monetary benefit shall be granted from 01.02.2011. In respect of the revised scale of pay under selection grade/special grade, for the employees, who were already in the aforesaid grade prior to 01.01.2006, such benefit was granted to them from 01.01.2007. The aforesaid scheme was also accepted by the public sector undertakings in view of the Government instructions, in that regard. The petitioner, who was a receptionist and was working in that cadre, and others were also extended such benefit,

considering their service at par with such Junior Assistants, on the ground of parity, but, while granting selection grade, they were given the actual benefit from 01.02.2011, in spite of the resolution of the third respondent to extend such benefit as extended to other Junior Assistants of the Government. The petitioner, therefore, submitted a representation in that regard, but the same was rejected by the second respondent, in view of the fact that the Government had not approved the same. It is submitted that Junior Assistants, Typists and Telephone Operators have been granted notional benefit in selection grade from 01.01.2006 and monetary benefit from 01.01.2007. Though the service of the petitioner is at par with such Junior Assistants, Typists and Telephone Operators and the said persons were granted the monetary benefit of higher grade pay from 01.01.2007, there was no apparent reason not to extend such actual benefit of higher grade pay to the petitioner from 01.01.2007. The reason assigned that since Junior Assistants were given such benefit in the entry grade from 01.02.2011, such selection grade cannot be given from 01.01.2007 is without any substance, inasmuch as the similarly placed employees have been given such benefit and discrimination has been made in respect of the petitioner. Hence, the impugned order passed by the Government in not accepting the proposal submitted to extend such benefit to the petitioner cannot be sustained. Accordingly, it is set aside and the third respondent is directed to submit the proposal of revision of scale of pay of such actual monetary benefit of selection grade granted to the petitioner from 01.01.2007 and, thereafter, the

first respondent is directed to pass necessary orders, extending the benefit to the petitioner on receipt of such proposal within a period of three months from the date of receipt of a copy of this order.

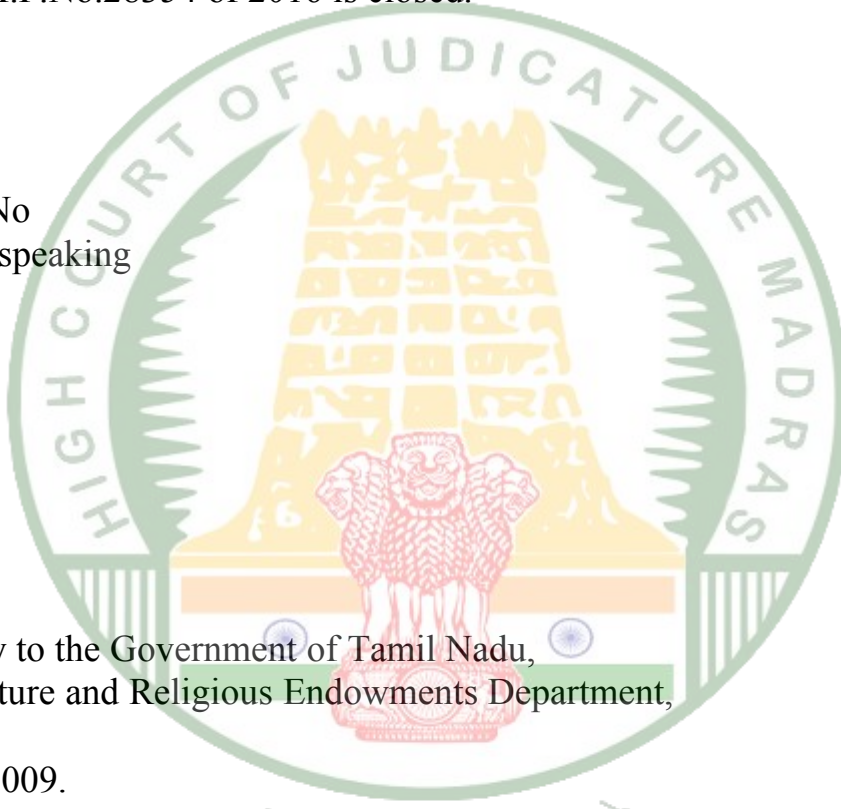
8. Writ Petition is allowed accordingly. No costs. Consequently, the connected W.M.P.No.28354 of 2016 is closed.

Index : Yes/No
Internet : Yes/No
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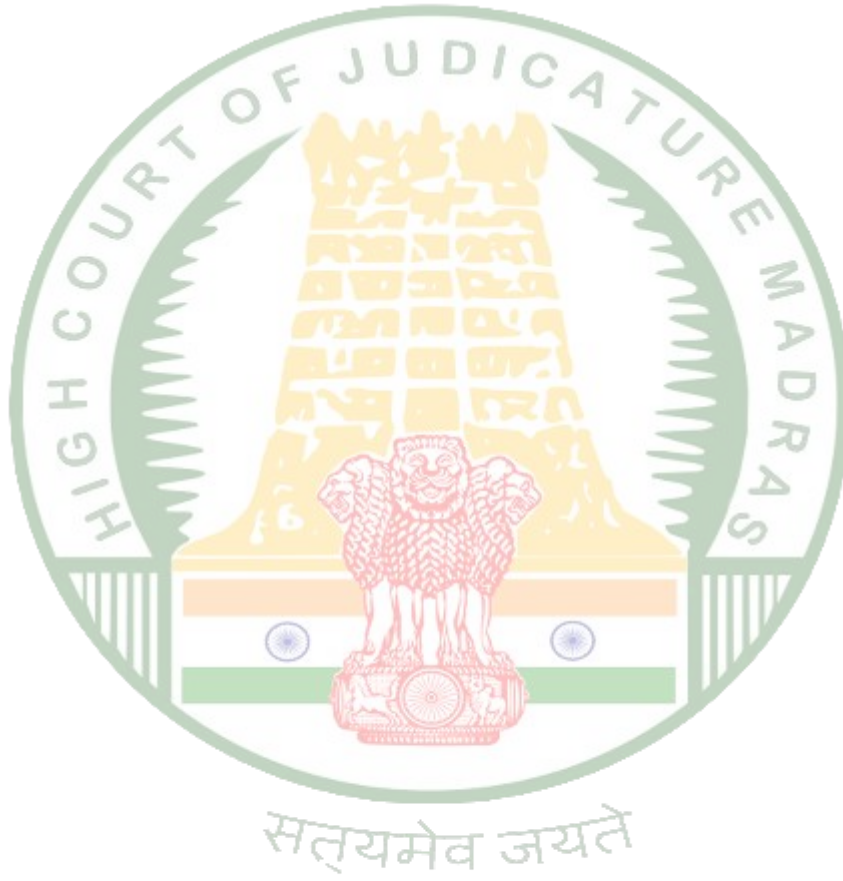
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To

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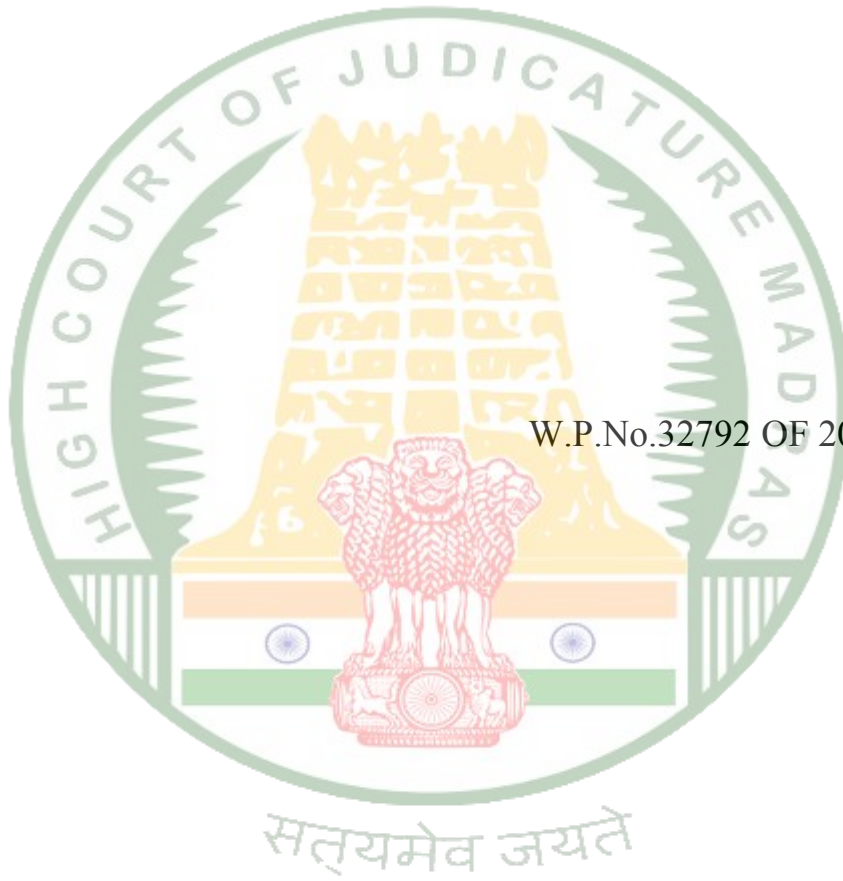
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