

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.04.2019

CORAM

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P.Nos.26911 to 26913 of 2014

V.Anandan .. Petitioner
in W.P.No.26911 of 2014

D.Vasudevan .. Petitioner
in W.P.No.26912 of 2014

M.Veeramani .. Petitioner
in W.P.No.26913 of 2014

Vs.

1. The State of Tamil Nadu
Represented by
the Principal Secretary to Government,
Finance [PC] Department,
Fort St.George,
Chennai-600 009

2. The District Collector,
Kancheepuram District,
Kancheepuram.

.. 1st and 2nd Respondent
in all W.Ps.

3. The Commissioner,
Chithamoor Panchayat Union,
Chithamoor,
Kancheepuram District.

.. 3rd Respondent
in W.P.No.26911 of 2014

4. The District Treasury Officer,
Kancheepuram District,
Kancheepuram.

.. 4th Respondent
in all W.Ps.

5. The Commissioner,
Sriperumbudur Panchayat Union,
Sriperumbudur,
Kancheepuram District.

.. 3rd Respondent
in W.P.No.26912 of 2014

6. The Commissioner,
Walajabad Panchayat Union,
Walajabad,
Kancheepuram District.

.. 3rd Respondent
in W.P.No.26913 of 2014

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to fix the selection grade of pay as per the Letter No.63305/Pay Cell/2010-1 dated 08.11.2010 and G.O.Ms.No.65, Finance (Pay Cell) Department dated 26.02.2011 issued by the 1st respondent and also to pay the arrears at the rate of 9300-34800+4200 with effect from 01.03.2011 to the petitioner by considering petitioner's reminder representation dated 07.10.2014.

For Petitioner
in all W.Ps. : Mr.P.Gurunathan

For Respondents
in all W.Ps. : Mr.B.Anand, Govt. Advocate

C O M M O N O R D E R

The petitioners, who are working as Drivers in the 3rd respondent Panchayat Union, have filed these writ petitions for the aforesaid prayer.

2. According to the learned Additional Government Pleader, the prayer sought for in the writ petitions as well as the issue involved therein are squarely covered by the judgment, dated 08.07.2015 rendered by a Division Bench of this Court in a batch of cases viz., W.A.Nos.1398 of 2013, etc., (The Director of Sericulture Department, Salem and others Vs. K.Kumar and others). In the said batch of cases preferred by the State Government, while allowing the same, at paragraph Nos.42 and 43, the Division Bench held as follows:-

''42. Therefore, in the result, all the writ petitions filed by the individual employees claiming Selection Grade scale of pay of Rs.5000-8000 and Special Grade pay scale of Rs.5500-9000 are liable to be dismissed. However, there are a few writ petitions such as W.P.Nos.23550 of 2010, 5498 of 2012 and 30616 of 2012, where the employees claim that they are not even granted the admissible Selection Grade and Special Grade scales pay of Rs.4000-6000 and Rs.4300-6000 respectively.

43. Therefore, with a clarification that all the petitioners in the writ petitions and the respondents in the writ appeals are entitled only to a Selection Grade scale of pay of Rs.4000-100-6000 and a Special Grade scale of pay of Rs.4300-100-6000, but not more than that, all the writ petitions filed by the employees are dismissed. All the writ appeals filed either by the State Government or by various Heads of Departments or by various officers of the Government or by various Local Bodies or Boards or Corporations, shall stand allowed. There will be no order as to costs.'

It is further submitted that the said Division Bench decision has also been affirmed by the Hon'ble Apex Court, thus, the said judgment is squarely applicable to the facts of the present case.

3. The learned counsel for the petitioners submitted that he is not disputing the decisions rendered by the Division Bench of this Court and by the Hon'ble Supreme Court.

4. In the light of the above, by following the aforesaid judgment of the Division Bench of this Court, dated 08.07.2015, rendered in W.A.Nos.1398 of 2013 etc., batch, these writ petitions are dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Finance [PC] Department,
Fort St.George,
Chennai-600 009.

2. The District Collector,
Kancheepuram District,
Kancheepuram.

3. The Commissioner,
Chithamoor Panchayat Union,
Chithamoor,
Kancheepuram District.

4. The District Treasury Officer,
Kancheepuram District,
Kancheepuram.

5. The Commissioner,
Sriperumbudur Panchayat Union,
Sriperumbudur,
Kancheepuram District.

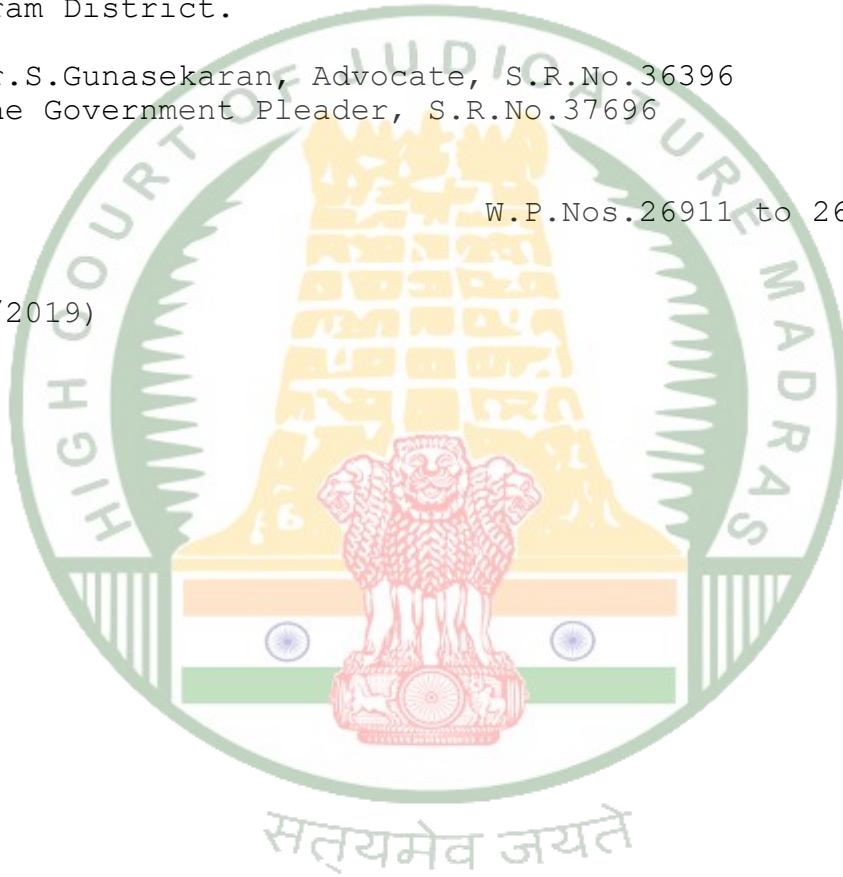
6. The Commissioner,
Walajabad Panchayat Union,
Walajabad,
Kancheepuram District.

+1cc to Mr.S.Gunasekaran, Advocate, S.R.No.36396
+1cc to the Government Pleader, S.R.No.37696

W.P.Nos.26911 to 26913 of 2014

NRL (CO)

RRS (01/07/2019)



WEB COPY