



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)Nos.17975, 17976, 17977, 17978, 17979 of 2013

WEB COPY

A.Ponnusamy	:Petitioner in WP(MD)No.17975/2013
S.Ramasamy	:Petitioner in WP(MD)No.17976/2013
P.Chinnaiah	:Petitioner in WP(MD)No.17977/2013
M.Rajasekar	:Petitioner in WP(MD)No.17978/2013
James	:Petitioner in WP(MD)No.17979/2013

Vs.

- 1.The Principal Secretary to
Government of Tamil Nadu,
Finance Department (Pay Cell),
Fort St. George,
Secretariat, Chennai-600 009.
- 2.The Secretary to Government of Tamil Nadu,
Finance (Pay Cell) Department,
Fort St. George,
Secretariat, Chennai-600 009.
- 3.The Secretary to Government of Tamil Nadu,
School Education Department,
Fort St. George,
Secretariat, Chennai-600 009.
- 4.The Director of Elementary Education,
The Directorate of Elementary Education,
DPI Complex,
Nungambakkam,
College Road, Chennai-600 006.
- 5.The District Elementary Educational Officer,
Sivagangai District,
Sivagangai.
- 6.The Assistant Elementary Educational Officer,
S.Pudur-630 410,
Sivagangai District.

:Respondents in all WPs.

COMMON PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to extend the benefit of revision of scale of pay and allowances without fixing the cut off date as stipulated in G.O.Ms.No.234, Finance (Pay Cell) Department, dated 1.6.2009 and by granting all arrears of emoluments by considering the representation sent on behalf of the petitioner dated 19.08.2013.



For Petitioner : Mr.A.Saravanan

For Respondents : Mrs.S.Srimathy,
Special Government Pleader

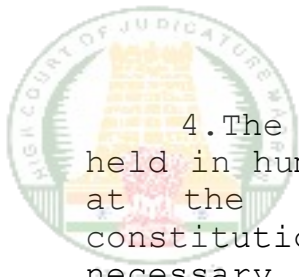
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COMMON ORDER

The relief sought for in these writ petitions is for a direction to direct the respondents herein to extend the benefit of revision of scale of pay and allowances without fixing the cut off date as stipulated in G.O.Ms.No.234, Finance (Pay Cell) Department, dated 1.6.2009 and by granting all arrears of emoluments by considering the representations submitted by the writ petitioners.

2.The writ petitioners are working in the Education Department in the Teaching Faculty. The grievances of the writ petitioners are that the recommendations of the Official Committee on revision of scales of pay and allowances etc., granted by the Government in G.O.Ms.No.234, Finance (Pay Cell) Department, dated 1st June, 2009 was not extended to these writ petitioners. Thus, they are constrained to move these writ petitions.

3.The individual facts may not be required for the consideration of the issue in all these writ petitions because of that the writ petitioners are mainly questioning the cut off date fixed by the Government for the purpose of extending the benefit granted in G.O.Ms.No.234. The Government constituted a Official Committee pursuant to the Pay Commission recommendations and the Official Committee constituted during the year 2009 considered the pay structures and pay anomaly between various categories and submitted his recommendations. The new recommendations of the Official Committee in the matter of revision of scales of pay and allowances are accepted and accordingly, the Government issued G.O.Ms.No.234. As per the Government Order, the cut off date is fixed as 01.01.2006. The Government Order states that fixation of pay in the revised pay structure of employees appointed as fresh recruits on or after 1.1.2006, the entry level pay in the pay band at which the pay of direct recruits to a particular post carrying a specific grade pay shall be fixed on or after 1.1.2006. Thus, even for direct recruitees as well for promotees in Para-10 it is stated that the revised scale of pay is to be extended in respect of the persons who were appointed/promoted after 1.1.2006. The notional benefits were given from 1.1.2006 and actual monetary benefits were extended with effect from 1.1.2007. This being the scope of the Government Order, this Court is of the considered opinion that cut off date now questioned by the writ petitioners deserve no merit consideration.



4.The Hon'ble Supreme Court of India as well as the High Court held in humpty number of judgments that the fixation of cut off date at the time of implementation of the pay structure is constitutionally valid and such cut off date is imminent and necessary for the purpose of revising the scale of pay and for extension of benefits granted pursuant to the recommendations of the pay commission. The cut off date is imminent and unavoidable, however, the cut off date has have a nexus. In the present case, pursuant to the Official Committee constituted during the year 2009, recommendations were submitted and the recommendations were implemented by the Government in G.O.Ms.No.234, dated 1st June 2009. However, notional benefits were granted with effect from 1.1.2006 and the monetary benefits were granted from 1.1.2007 considering the large scale monetary implications. This being the scope of the Government Order, the very claim of the writ petitioners for questioning of the cut off date cannot be considered. In the event of questioning the cut off date, the Government Order cannot be implemented and the same would have larger repercussions in respect of the various categories of employees working in various departments. Thus, the cut off date has got the definite nexus and purpose and there is no infirmity in respect of fixation of cut off date in the matter of fixation of pay and revision of scale of pay pursuant to the recommendations of the Pay Commission or the recommendations of the Official Committee.

5.This being the principles to be followed, there is no infirmity as such in respect of the cut off date fixed in G.O.Ms.No.234 and the writ petitioners, who were promoted subsequently or granted with the revised scale of pay, which is more beneficial to them. This being the factum, no further consideration is required.

6.Accordingly, all these writ petitions stand dismissed. No costs.

Sd/-

Assistant Registrar

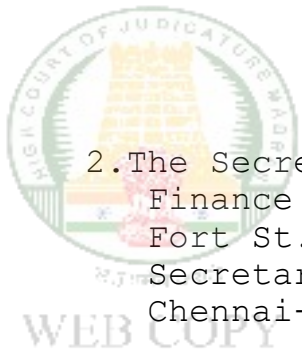
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Sub Assistant Registrar(CS)

To

1.The Principal Secretary to
Government of Tamil Nadu,
Finance Department (Pay Cell),
Fort St. George,
Secretariat,
Chennai-600 009.

<https://hcservices.ecourts.gov.in/hcservices/>



- 2.The Secretary to Government of Tamil Nadu,
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 - 3.The Secretary to Government of Tamil Nadu,
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S.Pudur-630 410,
Sivagangai District.
- +5 CC to Mr.A.SARAVANAN, Advocate SR-79352.
+1 CC to SPL GP SR-79684.

W.P. (MD) Nos.17975, 17976, 17977, 17978, 17979 of 2013
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