



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD)No.14009 of 2015

and

M.P. (MD)No.1 of 2015

N.Thangaraj

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Finance (Pay Cell) Department,
St.George Fort, Chennai-09.

2.The State of Tamil Nadu,
Represented by its Secretary to Government,
Agriculture Department,
Secretariat, Chennai-600 009.

3.The Commissioner of Agriculture,
Chepauk, Chennai-05.

4.The Accountant General (A & E),
Teynampet, Chennai-18.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the first respondent in G.O.Ms.No.257, Finance (Pay Cell) Department, dated 26.08.2010 and consequential order issued by the second respondent vide proceedings in Letter No.22904/AA4(1)/2013-3, dated 31.12.2013 and quash the same and consequently direct the respondents to fix the petitioner scale of pay in the cadre of Depot Manger Grade-I, on par with the cadre of Office Superintendent from March 1999 at the rate of 5500-175-9000 and to grant arrears of pay and all attendant and monetary benefits within a stipulated time may be fixed by this Court.

For Petitioner : Mr.M.Saravanakumar

For R1 to R3 : Mr.M.Jeya Kumar,
Additional Government Pleader.

<https://hcservices.ecourts.gov.in/hcservices/> For R4 : Mr.P.Gunasekaran

**ORDER**

The Government Order in G.O.Ms.No.257, Finance (Pay Cell) Department, dated 26.08.2010 issued by the first respondent and the consequential order issued by the second respondent in letter dated 31.12.2013 are sought to be quashed in the present Writ Petition. Further direction is sought for to direct the respondents to fix the writ petitioner's scale of pay in the cadre of Depot Manager Grade-I, on par with the cadre of Office Superintendent from March 1999 at the rate of 5500-175-9000 and to grant arrears of pay and all attendant and monetary benefits.

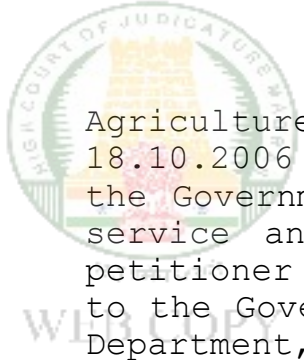
2.The writ petitioner was appointed as Record Clerk in the Agriculture Department and promoted to the posts of Junior Assistant, Assistant and Depot Superintendent. The writ petitioner was allowed to retire from service under Voluntarily Retirement Scheme on 18.10.2006. With reference to pay anomaly to certain cadres, One Man Committee was constituted and pursuant to the recommendations of the One Man Committee, the Government issued G.O.Ms.No.257, Finance (Pay Cell) Department, dated 26.08.2010. Accordingly, existing scale of pay + grade pay of Rs.9300-34800+4300 applicable to the post of Depot Manager, Grade-I was revised as 9300-34800+4800, pursuant to the recommendations of the One Man Committee in the said Government Order, which is impugned in the present Writ Petition.

3.However, the Government Order was passed in respect of the employees, who are in service. The paragraph No.2 of the impugned order states that the revision of scales of pay ordered in para-1 above shall take notional effect from 12.12.2007 for the purpose of fixation of pay in the revised scale of pay and with monetary benefit from 01.08.2010.

4.It is made clear in the impugned order that the scale of pay was revised in respect of serving officials, working in the cadre of the Depot Manager Grade-I and notional fixation is to be done with effect from 12.12.2007 and the actual monetary benefits are to be paid from 01.08.2010.

5.The writ petitioner was allowed to retire from service on 18.10.2006 under Voluntarily Retirement Scheme. Therefore, the very revision of scale of pay effected pursuant to the recommendations of the One Man Committee in G.O.Ms.No.257, is not applicable to the writ petitioner at all. The writ petitioner already retired from service and the revision of scale of pay is applicable only to the serving officials, working in the cadre of Depot Manager Grade-I. It is not extended to the retired officials.

6.This being the factum, the writ petitioner is not entitled to get any benefit under G.O.Ms.No.257. This apart, the Government Order cannot be quashed, in view of the fact that the very consideration was shown in respect of the serving officials of the



Agriculture Department. The writ petitioner retired from service on 18.10.2006 and he cannot raise any cause for the purpose of quashing the Government Order issued in favour of the employees, who are in service and the revision of pay effected. Therefore, the writ petitioner cannot be construed as an aggrieved person with reference to the Government order passed in G.O.Ms.No.257, Finance (Pay Cell) Department, dated 26.08.2010. Thus, the writ petitioner has not established any legal right with reference to the Government Order in G.O.Ms.No.257.

7. Accordingly, this Writ Petition is devoid of merits and the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

/ True Copy /

Sub Assistant Registrar (CS-)

To

1. The Secretary to Government,
State of Tamil Nadu,
Finance (Pay Cell) Department,
St. George Fort, Chennai-09.

2. The Secretary to Government,
State of Tamil Nadu,
Agriculture Department,
Secretariat, Chennai-600 009.

3. The Commissioner of Agriculture,
Chepauk, Chennai-05.

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-75016[F] dated 12/07/2019)
+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-74974[F] dated 12/07/2019)
+1 CC to M/s.SPL GP (SR-75086[F] dated 12/07/2019)

W.P (MD) No. 14009 of 2015
11.07.2019

Myr

ES/22.07.2019/3P/7C