



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.270 OF 2015

Tamil Nadu Retitred Revenue
Officer's Association,
Represented by its President Mr.A.Raju,

.. Petitioner

Vs

1.The Secretary to Government,
Finance Department,
Fort St. George,
Chennai - 600 009.

2.The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.

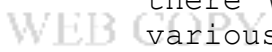
.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to enhance the scale of pay of the members of the petitioner Association (Retired District Revenue Officer's) on par with the Retired Joint Directors of Medical Department, Indian Medicine and Agriculture Department with retrospectively from the date on which the Government fixed the scale of pay of Joint Directors and pay arrears and other consequential benefits.

For Petitioner	:	M/s.Sivavarthana Devaraj Harish
For Respondents	:	Mr.S.Thangavel Special Government Pleader

ORDER

This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus to direct the respondents to enhance the scale of pay of the members of the petitioner-Association (Retired District Revenue Officer's) on par with the Retired Joint Directors of Medical Department, Indian Medicine and Agriculture Department, retrospectively from the date on



2. The case of the petitioner-association is that since there were more number of anomalies in G.O.Ms.Nos.234 and 235, various representations were submitted to the Government and the Government have constituted a One Man Commission headed by Tr.Rajeev Ranjan to go into the anomalies. The said Commission submitted its report in March, 2010 and after accepting the recommendation of the One Man Commission, the Government have issued orders on 26.08.2010. Thereafter, the One Man Commission has enhanced the basic pay of the Joint Directors of Indian Medicine from Rs.15600 to Rs.37400/-. Till then, the Joint Directors of Indian Medicine were drawing a basic pay of Rs.12,000/- on par with the District Revenue Officers. Hence, the petitioner-association submitted a detailed memorandum to the Government to fix the basic scale of pay of the District Revenue Officers also at Rs.37400/-. While the process was going on, the Government have suo-motu, without the recommendation of the One Man Commission, took up the revision of the basic pay of the Joint Directors of Agriculture, Animal Husbandry, etc., and enhanced their basic pay from Rs.15600 to Rs.37400/- from pay band III to pay band IV. So, the writ petitioner had to put forth their claim with more weight that these Joint Directors were drawing their pay on par with the District Revenue Officers right from the creation of those posts subsequent to the creation of the post of District Revenue Officers. There are two things to be proved that the report of One Man Commission on the request of the District Revenue Officers is not acceptable and that the other one is the suo-motu revision done by the Government for the Joint Directors. Hence, the petitioner-Association sent several representations to the respondents on 21.4.2011, 02.05.2012 and 09.07.2012, but there is no reply from them. Hence, the writ petitioner has come forward with the present writ petition for the relief stated supra.

4. It is the case of the members of the petitioner-association who are the retired District Revenue Officers that they are claiming scale of pay on par with the Retired Joint Directors of Medical Department, Indian Medicine and Agriculture Department, retrospectively from the date on which the Government fixed the scale of pay of Joint Directors and pay arrears and other consequential benefits. Since the grievances are common, during the pendency of the present writ petition, the Government has appointed the Justice D.Murugesan One Man Commission to examine the grievance of the State Government Employees to fix pay anomalies among the State Government



Officials after perusing the entire records in the Sixth Pay Commission. The members of the writ petitioner-Association submitted their grievance before the One Man Commission and the same was entered into by the said Justice D.Murugesan One Man Commission and the same was active under consideration before the One Man Commission.

5. In this regard, it is relevant to notice the Government Order in G.O.Ms.No.200, Finance (CMPC) Department, dated 10.07.2015, which reads thus:-

In the Government Orders were issued revising the scales of pay of employees/teachers on a "pay scale to pay scale basis" notionally w.e.f. 01.01.2006 with monetary benefit from 01.01.2007 based on the recommendations of the Official Committee. Subsequently, One Man Commission was constituted to examine the anomalies, consequent on the implementation of the revised scales of pay and more specifically to examine the representations of the teachers associations to extend Central Scales of pay. The recommendation of the One Man Commission was accepted by Government in toto and 87 Government Orders were issued department-wise revising the pay scales of various categories.

(ii) As per the orders of this Court, dated 08.03.2012 in W.P.No.7006 of 2011, the Government constituted "Pay Grievance Redressal Cell" (PGRC) to examine the representations received from the employees associations/Heads of Department/ Individual employees including the aggrieved petitioners in writ petitions filed challenging the G.O.Ms.No.71, Finance (Pay Cell) Department, Dated 26.02.2011. An elaborate exercise was done by the PGRC on 4376 representations received from various associations/individuals/writ petitioners and heard their grievances in person before arriving at conclusions. Based on the recommendations of the PGRC, 89 Government Orders were issued benefitting around two lakhs employees.

(iii) In spite of further revision in pay scales as indicated above, several court cases have been filed by individual employees/associations, seeking further pay revision. Further a number of requests are being made by individual employees / associations and information on present their request are sought under RTI Act, 2005, which has resulted in voluminous work in Finance Department.



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Further, nine years has already lapsed since the implementation of revised pay scales and therefore, requests for further pay revisions cannot be entertained at this juncture with retrospective effect.

(iv) The Government after careful consideration has decided to examine the anomalies/requests for further pay revision at the time of general pay revision by constituting Commission/Committee. Accordingly, Government direct that the representations received from the associations/individual employees requesting for further revision of Pay Band/Grade Pay be deferred till a Commission/Committee is constituted for general pay revision."

6. Considering the aforesaid facts and circumstances of the case, and also taking into account the above said G.O.Ms.No.200, Finance (CMPC) Department, dated 10.07.2015, which covers the grievances of the members of the petitioner-Association, at this stage, no further adjudication is required in this writ petition. If necessary, at a later stage, if the members of the writ petitioner-Association are still aggrieved, have to approach the authority concerned/respondents for redressal of their grievances as set out in the present Writ Petition.

7. With the above observation/direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(Writ)

//True Copy//

Sub Assistant Registrar

msm

To

1. The Secretary to Government,
Finance Department, Fort St. George, Chennai - 600 009.
2. The Secretary to Government,
Revenue Department, Fort St. George, Chennai - 600 009.

+1cc to Mr.M.Sivavarthanan, Advocate, S.R.No.16328

+1cc to the Government Pleader, S.R.No.16752

W.P.No.270 of 2015

VD(CO)

CS/08/07/2020