

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30104 of 2014

N.Rajendran

... Petitioner

Vs.

1.The Secretary to Government
Finance (PC) Department,
Fort St. George,
Chennai – 600 009.

2.The Commissioner
Directorate of Technical Education
Guindy,
Chennai – 600 025.

3.The Principal Accountant General
(A & E) TN
No.361, Anna Salai,
Chennai – 600 018.

4.The Principal
Government Engineering College,
Salem – 11
Salem District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus directing the respondents to revise the
petitioner's monthly salary as per the pay commission's

recommendation with effect from 01.01.2006 and consequently direct the respondents to pay the arrears with interest in pursuant to the refixation of salary.

For Petitioner : Mr.M.Elango

For Respondents : Mr.S.Thangavel for R1
Special Government Pleader
Mr.G.Karthikai Balan for R2 & R4
Government Advocate
Mr.Vijay Shankar for R3

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to revise the petitioner's monthly salary as per the pay commission's recommendation with effect from 01.01.2006 and to consequently direct the respondents to pay the arrears with interest in pursuant to the refixation of salary.

2.The case of the petitioner is that the petitioner was working as Laboratory Assistant and was permitted to retire from service on 31.05.2014. During his service, the petitioner was awarded selection grade on 10.02.2004 and special grade on 10.02.2014. According to the petitioner his scale of pay has to be re-fixed as per G.O.Ms.No.234, Finance (PC) Department, dated 01.06.2009. In this regard, he made

representation to the respondents and since there was no response, has come forward to file this writ petition.

3.The learned counsel appearing for the petitioner would submit that the Government issued G.O.Ms.No.234, Finance (PC) Department, dated 01.06.2009, which is also called Tamil Nadu revised scales of pay, 2009. Since there was confusion in refixation of pay scales for selection grade and special grade category, the Government passed a letter dated 08.11.2010 ordering that the revised pay scale shall be applicable to employees who were awarded selection grade and special grade prior to 01.01.2006. The petitioner was awarded selection grade on 10.02.2004. Hence, the petitioner's scale of pay has to be re-fixed. Hence, it would suffice, if this Court issue direction to the respondents to extend the benefit of the Government letter dated 08.11.2010 within a reasonable time frame.

4.The learned Government Advocate drawn the attention of this Court to paragraph no.2 of the Government letter dated 08.11.2010 and would submit that in case of employees who were awarded selection grade/ special grade between 01.01.2006 and 31.05.2009

i.e., prior to the issuance of G.O.Ms.No.234, Finance (PC) Department, dated 01.06.2009, they were also permitted to exercise their option to come over to the revised scales of pay on the date of their award of selection grade/ special grade by foregoing the arrears entitled to them with effect from 01.01.2007.

5.The learned Government Advocate drawn the attention of this Court to paragraph no.4(iii) of the Government letter dated 08.11.2010 and would further submit that the revised selection grade/ special grade scales of pay indicated in Annexure – 1 to the letter is admissible only in cases where the scales of pay of the ordinary grade posts were revised based on the recommendations of the One Man Commission and subsequent Government Orders.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.The facts in the present case is not disputed. Admittedly, the petitioner was working as Laboratory Assistant and was permitted to retire from service on 31.05.2014. During his service, the petitioner

was awarded selection grade on 10.02.2004 and special grade on 10.02.2014. The grievance of the petitioner is that the benefits of the Government letter dated 08.11.2010 has not been extended to him.

8.This Court perused the Government letter dated 08.11.2010. Paragraph no.2 of the Government letter dated 08.11.2010 makes it clear that in case of employees who were awarded selection grade/ special grade between 01.01.2006 and 31.05.2009 i.e., prior to the issuance of G.O.Ms.No.234, Finance (PC) Department, dated 01.06.2009, they were also permitted to exercise their option to come over to the revised scales of pay on the date of their award of selection grade/ special grade by foregoing the arrears entitled to them with effect from 01.01.2007.

9.Paragraph no.4(iii) of the Government letter dated 08.11.2010 makes it clear that the revised selection grade/ special grade scales of pay indicated in Annexure – 1 to the letter is admissible only in cases where the scales of pay of the ordinary grade posts were revised based on the recommendations of the One Man Commission and subsequent Government Orders.

10.Perusal of records disclose that the fourth respondent vide letter dated 08.05.2014 has requested the second respondent to pass appropriate orders for fixation of pay for the selection grade and special grade employees. Hence, this Court is inclined to issue direction to the second respondent to pass appropriate orders based on the letter of the fourth respondent. Accordingly, this Court directs the second respondent to pass appropriate orders, on merits and in accordance with law, based on the letter of the fourth respondent dated 08.05.2014, within a period of twelve weeks from the date of receipt of a copy of this order.

11.The writ petition is accordingly disposed of. No costs.

16.12.2020

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Speaking Order/ Non Speaking Order

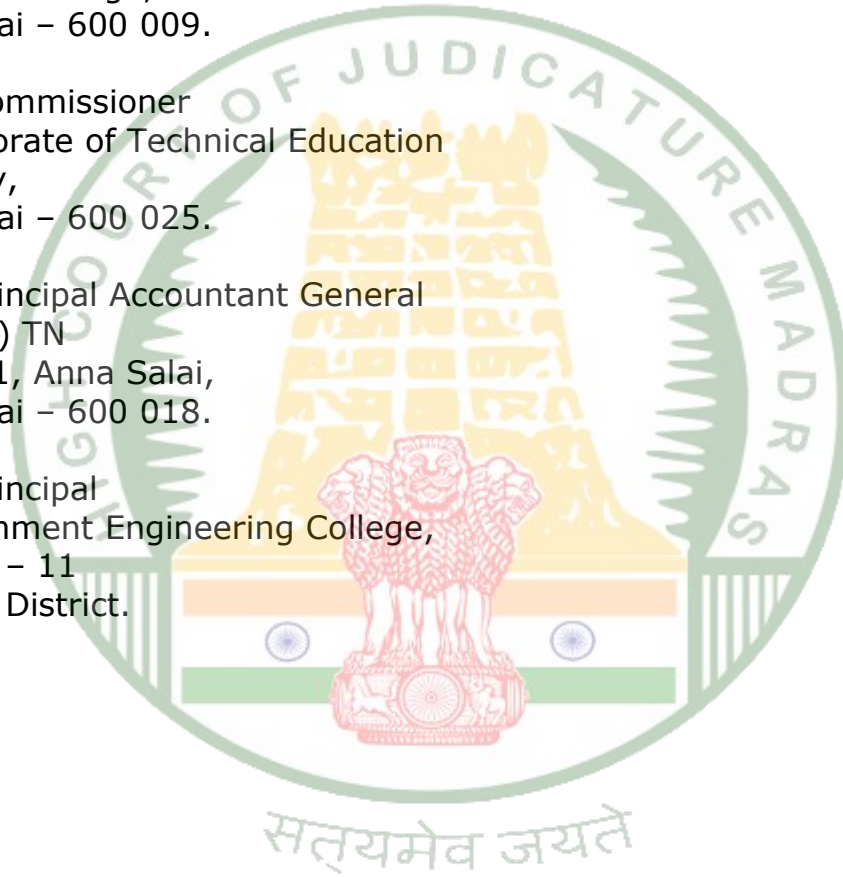
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