

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22386 of 2014

G.Ramasamy

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by Secretary of Government,
Environment and Forest Department,
Secretariat,
Chennai 600 009.

2.The Principal Chief Conservator of Forest
and Head of Forest Force,
Panagal Building,
Saidapet,
Chennai 600 015.

3.The Conservator of Forests,
Villupuram Circle,
Villupuram.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of the second respondent in Ref.No.A2/38551/2013 dated 28.04.2014, to quash the same and to issue consequential direction to the respondent to award Selection Grade to the petitioners in the post of Assistant Conservator of Forest with effect from 10.03.2008 and

disburse the consequential arrears of pay and allowances till retirement of the petitioner on 30.09.2008 and to correspondingly revise the pensionary benefits of the petitioner.

For Petitioner : Mr.M.Ravi
For Respondents : Mr.S.Prabhu
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the order of the second respondent in Ref.No.A2/38551/2013 dated 28.04.2014, to quash the same and to issue consequential direction to the respondent to award Selection Grade to the petitioner in the post of Assistant Conservator of Forest with effect from 10.03.2008 and to disburse the consequential arrears of pay and allowances till retirement of the petitioner on 30.09.2008 and to correspondingly revise the pensionary benefits of the petitioner.

सत्यमेव जयते

2.The case of the petitioner is that the petitioner was initially recruited as Forest Range Officer during the year 1981 and was awarded Selection Grade in the post of Forest Range Officer during the year 1991 and moved to Special Grade during the year 2001 and was promoted as Assistant Conservator of Forests during the year 2008

and retired from service on 30.09.2008 on attaining the age of superannuation.

3.It is the further case of the petitioner that as per G.O.Ms.No.210, P & AR (S) Department, dated 11.03.1987, the petitioner ought to have been awarded Selection Grade from the date on which he was promoted as Assistant Conservator of Forests, however, the same has not been awarded to him and his claim for Selection Grade was also rejected. Hence, this writ petition.

4.The learned counsel appearing for the petitioner would submit that the petitioner's batch mates, namely, Thiru.I.Amalraj and Thiru.M.Nainar Mohammed were granted Selection Grade in the post of Assistant Conservator of Forests from the date on which they joined the said post on promotion, however, the petitioner has not been granted the said benefit. He would further submit that as per G.O.Ms.No.210, P & AR (S) Department, dated 11.03.1987, the petitioner is entitled to receive Selection Grade from the date on which he was promoted as Assistant Conservator of Forests. Accordingly, he prayed for allowing the writ petition.

5.Per contra, the learned Additional Government Pleader would submit that Selection Grade is awarded after completion of ten years of service in the same post. He would further submit that the separate pay scale for Selection Grade post has been dispensed with from 01.01.2006 and Tamil Nadu Revised Scales of Pay Rules, 2009 is in force with effect from 01.01.2006. He would further submit that the petitioner was awarded Selection Grade in the post of Forest Range Officer during the year 1991 and was awarded Special Grade during the year 2001. The petitioner was promoted as Assistant Conservator of Forests during the year 2008.

6.The learned Additional Government Pleader would further submit that the actual grade pay for the post of Assistant Conservator of Forests is Rs.5,400/- and since the petitioner was already drawing grade pay of Rs.5,700/-, the higher grade pay was fixed according to the Tamil Nadu Revised Scales of Pay Rules, 2009 and the petitioner was also given 3% weightage in the pay in the promotional post of Assistant Conservator of Forests. Hence, his claim for Selection Grade in the post of Assistant Conservator of Forests from the date of his promotion is devoid of legal basis as per the Tamil Nadu Revised Scales of Pay Rules, 2009.

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

8.The facts in the present case is not disputed. Admittedly, Selection Grade is awarded to a person on completion of ten years of service in the same post. In the present case, the petitioner was recruited as Forest Range Officer during the year 1981 and was awarded Selection Grade in the post of Forest Range Officer during the year 1991 and was awarded Special Grade in the said post during the year 2001 and was promoted as Assistant Conservator of Forests during the year 2008. The petitioner retired from service as Assistant Conservator of Forests on 30.09.2008 on attaining the age of superannuation.

9.The claim of the petitioner is based on G.O.Ms.No.210, P & AR (S) Department, dated 11.03.1987. This Court perused G.O.Ms.No.210, P & AR (S) Department, dated 11.03.1987. In the said Government Order, it is stated that the Government after careful examination accept the recommendation of One Man Committee and direct that the service in the Selection grade of the lower post shall be

counted for the Selection Grade in the promoted post provided that the Selection Grade Scale of the lower post is identical to the ordinary grade of the higher post and that the concession be allowed only at the first promotion level. It is further stated that the Government also direct that in the case of posts with different grades one who has put in ten years or more of service in the lower post shall be advanced to the next higher post under the Scheme of Flexible Complementing and one with a service of twenty years or more be advanced to Selection Grade of the higher post, wherever it has already been provided.

10. In the present case, the petitioner was recruited as Forest Range Officer during the year 1981 and was awarded Selection Grade in the post of Forest Range Officer during the year 1991 and was awarded Special Grade in the said post during the year 2001 and was promoted as Assistant Conservator of Forests during the year 2008. Though the actual grade pay for the post of Assistant Conservator of Forests is Rs.5,400/-, while fixing pay scale of the petitioner in the post of Assistant Conservator of Forests, higher grade pay was fixed according to the Tamil Nadu Revised Scales of Pay Rules, 2009, since the petitioner was already drawing grade pay of Rs.5,700/- and the petitioner was also given 3% weightage in the pay in the promotional

post of Assistant Conservator of Forests. Hence, the petitioner's claim for Selection Grade in the post of Assistant Conservator of Forests from the date of his promotion is devoid of merits.

11.The writ petition is accordingly dismissed. No costs.

01.12.2020

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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