



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2020

CORAM:

WEB COPY

**THE HONOURABLE MR. A.P.SAHI, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD**

**W.A. [MD]Nos.513 of 2012, 798/2012, 18/2014, 19/2014,
1120/2014 and 470/2016 and CMP No.3351/2016 in W.A(MD) No.513/2012,
M.P.No.1 of 2014 in WA(MD) No.18/2014 and M.P.Nos.1 and 2 of 2014 in
W.A(MD) No.19/2014, MP(MD)Nos. 1 and 1/2012 and 1/2014**

WA(MD)No. 513 of 2012

1. The Secretary to Government of Tamilnadu, Highways and Minor Ports Department, Secretariat, Chennai-9.
2. The Director General (Highways), Chepauk, Chennai-5.
3. The Divisional Engineer (H), Highways Department, Madurai Division, Madurai-625007.
4. The Divisional Engineer (H) Highways Department, Dindigul Division, Dindigul-624001.
5. The Divisional Engineer (H) Highways Department, Theni Division, Theni-624001.
6. The Divisional Engineer (H) Highways Department, Virudhunagar Division, Virudhunagar District.

... Appellants in WA(MD)No. 513 of 2012

- Vs. -

1. T.Mathiyazhagan, Driver, The Divisional Engineer (Highways), Madurai Division, Madurai.
2. L.Arumugam, Driver, Vadipatti Sub-Division (Highways), Madurai Division, Madurai.
3. P.Maruthamuthu, Driver Dindigul Division (Highways), Dindigul.
4. R.Balasubramaniyan, Driver (Retd), Madurai Division (Highways), Madurai
5. K.Prabakaran, Driver Madurai Division (Highways), Madurai.
6. M.Selvaraj, Driver Madurai Division (Highways), Madurai.
7. K.Jeganathan, Driver Madurai Division (Highways), Madurai.
8. S.Rajendren, Driver (Retd) Melur Sub-Division (Highways), Madurai Division, Madurai.



9. V.Srinivasan, Driver (Retd) Theni Sub-Division (Highways),
Theni Division, Theni.
10. P.Selvaraj, Driver (Retd) Madurai Division (Highways),
Madurai.
11. A.Chelladurai, Driver (Retd) Divisional Engineer (Highways),
Highways and Rural Works, Virudhunagar Division, Virudhunagar
District.
12. S.Varadharajan, Driver (Retd), Divisional Engineer (Highways),
Virudhunagar Division, Virudhunagar District.
13. S.Thiruvengadam, Driver (Retd), Divisional Engineer (Highways),
Virudhunagar Division, Virudhunagar District.
14. V.Rajaram, Roller Driver(Retd), Assistant Divisional Engineer
(Highways) Sattur, Virudhunagar Division, Virudhunagar District.
15. S.Ganesan, Roller Driver(Retd), Assistant Divisional Engineer
(Highways) Sivakasi, Virudhunagar Division, Virudhunagar District.
16. P.Ramu, Roller Driver(Retd) Assistant Divisional Engineer
(Highways) Sattur, Virudhunagar Division, Virudhunagar District.

...Respondents 1 to 16 in WA(MD)No. 513 of 2012 /
Petitioners 1 to 10 & 12 to 17

17. P.Rajamanickam, Driver District Backward Class and Minorities
Welfare Office, Collectorate, Dindigul.

... Respondent 17 in WA(MD)No. 513 of 2012 /
Petitioner 11

18. The District Backward Class And Minorities Welfare Officer,
Collectorate, Dindigul.

... Respondent 18 in WA(MD)No. 513 Of 2012 /
Respondent 6

Prayer in WA(MD)No. 513 of 2012 :

Appeal filed under Section 15 of letter patent Act,
against the order dated 29.03.2012 in WP(MD).No.3778/2011 on the
file of this Court.

Prayer in WP(MD)No. 3778 of 2011 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court to issue a Writ of
Mandamus, directing the respondents to grant selection grade and
special grade to the petitioners on the basis of the judgment of the
Division Bench of this Honourable in W.A.Nos.383 to 391 of 2009
dated 01.09.2009 within a reasonable time.



WA(MD)No. 798 of 2012

1. The Forestry Extension Officer, Forestry Extension Division,
P.K.Agharam Post, Trichy.

W1B 60B 2. The Addl.Treasury Officer, Trichy.

3. The Secretary to Government, Department of Forest,
Secretariat, Chennai.

... Appellants in WA(MD)No. 798 of 2012/Respondents 1 to 3

- Vs. -

Pushpanathan, S/o.Subramanian,
Spl.Grade Driver(Rtd), No.8/1, Kalathumedu
Woraiyur, Trichy.

... Respondent in WA(MD)No. 798 of 2012 /Petitioner

Prayer in WA(MD)No. 798 of 2012 :

Appeal filed under Section 15 of letter patent Act,
against the order dated 20.07.2012 in WP(MD).No.11489/2010 on the
file of this Court.

Prayer in WP(MD)No. 11489 of 2010 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court to issue a WRIT OF
MANDAMUS, directing the respondents to implement the selection grade
and special grade scale of pay as indicated in schedule - II of the
Tamil Nadu Revised scales of pay rules 1998 at Rs.5000/- and 5500/-
respectively to the petititioner Driver (retired from service on
30.06.2006) from 01.01.1996 with all consequential monetary benefits
and pay all arrears of salary and pension within a stipulated time
period.

For Appellants : Mr. V.R.Shanmuganathan

For Respondent : Mr. Ravi

WA(MD)No. 18 of 2014

The Joint Director of Health Service,
Tirunelveli District, Tirunelveli.

... Appellant in WA(MD)No. 18 of 2014 /1st respondent

- Vs. -



1. Arulpandian, Special Grade Driver, Joint Director of Health Services, Tirunelveli District at Thenkasi.
2. C. Duraisingam, Special Grade Driver, Joint Director of Health Services, Tirunelveli District at Thenkasi.
3. B. Sangara Narayanan, Special Grade Driver, Joint Director of Health Services, Tirunelveli District at Thenkasi.
4. V. Subramanian, Special Grade Driver, Joint Director of Health Services, Tirunelveli District at Thenkasi.
5. M. Maharaja, Special Grade Driver, Govt. Primary Health Centre, Kurukalpatti, Sankarankovil Tk, Tirunelveli District
6. P. Mariyappan, Special Grade Driver, Government Primary Health Centre, Elathur, Tirunelveli District
7. S. Ananji, Selection Grade Driver, Primary Health Centre, Alangulam Tirunelveli District
8. K. Krishnasamy, Special Grade Driver, Govt. Hospital, Sankarankovil, Tirunelveli District

... Respondents 1 to 8 in WA(MD)No. 18 of 2014/
Petitioners 1 to 8

9. The Medical Officer, Govt. Primary Health Centre, Kurkalpatti, Sankarankovil Taluk, Tirunelveli District
10. The Block Medical Officer, Primary Health Centre, Sentamaram, Sankarankovil Taluk.
11. The Deputy Director Of Health Services, Sankarankovil.
12. The Medical Officer, Govt. Primary Health Centre, Elathur, Tirunelveli District
13. The Deputy Director of Medical and Rural Health and Family Welfare, Tirunelveli.
14. The Medical Officer, Primary Health Centre, Alangulam, Tirunelveli District
15. The Deputy Director, Family Welfare, Tirunelveli.
16. The Medical Officer, Govt. Hospital, Sankarankovil, Tirunelveli District
17. The Deputy Director, Medical Rural Health Services and Family Welfare, Tirunelveli District at Thenkasi.
18. The Sub-Treasury Officer, Sub-Treasury, Thenkasi.
19. The Sub-Treasury Officer, Sub-Treasury, Sankarankovil.
20. The Sub-Treasury Officer, Sub-Treasury, Tirunelveli.
21. The Sub-Treasury Officer, Sub-Treasury, Senkottai,
22. The District Treasury Officer,, District Treasury, Tirunelveli.



23. The Sub-Treasury Officer, Sub-Treasury, Alangulam, Tirunelveli District

... Respondents 9 to 23 in WA(MD)No. 18 of 2014 /
Respondents 2 to 16

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Prayer in WA(MD)No. 18 of 2014 :

Appeal filed under Section 15 of letter patent Act, praying this Court appeal against the order dated 26.07.2013 in WP(MD). No.12175/2013 on the file of this Court.

Prayer in WP(MD)No. 12175 of 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ of Mandamus, directing the respondents to implement the Ordinary Grade, Selection Grade and Special Grade Scales of Pay as indicated in Schedule-II of the Tamilnadu Revised Scales of Pay Rules, 1998 at Rs. 4000-6000, Rs.5000-8000 and Rs. 5500-9000 respectively to the Petitioners Drivers from the respective dates of completion of 10 years of service in the ordinary Grade and 10 years in the Selection Grade, with all consequential monetary benefits and also to revise their pensionary benefits on that basis, pay all arrears within a stipulated time.

For Appellant : Mr. V.R.Shanmuganathan

For Respondents 1 to 4 : Mr. Ravi

WA(MD)No. 19 of 2014

The Deputy Director of Medical and Rural Health and Family Welfare, Tirunelveli.

... Appellant in WA(MD)No. 19 of 2014/6th respondent

- Vs. -

1. P. Mariyappan, Special Grade Driver, Government Primary Health Centre, Elathur, Tirunelveli District

2. S. Ananji, Selection Grade Driver, Primary Health Centre, Alangulam Tirunelveli District

3. Arulpandian, Special Grade Driver, Joint Director of Health Services, Tirunelveli District at Thenkasi.

4. C. Duraisingam, Special Grade Driver, Joint Director of Health Services, Tirunelveli District at Thenkasi.

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

5. B. Sangara Narayanan, Special Grade Driver, Joint Director of Health Services, Tirunelveli District at Thenkasi.



6. V. Subramanian, Special Grade Driver, Joint Director of Health Services, Tirunelveli District at Thenkasi.

7. M. Maharaja, Special Grade Driver, Govt. Primary Health Centre, Kurukalpatti, Sankarankovil Taluk, Tirunelveli District

8. K. Krishnasamy, Special Grade Driver, Govt. Hospital, Sankarankovil, Tirunelveli District

...Respondents 1 to 8 in WA(MD)No. 19 of 2014/
Petitioners 1 to 8

9. The Joint Director of Health Service, Tirunelveli District , Tenkasi.

10. The Medical Officer, Govt. Primary Health Centre, Kurkalpatti, Sankarankovil Taluk, Tirunelveli District

11. The Block Medical Officer, Primary Health Centre, Sentamaram, Sankarankovil Taluk.

12. The Deputy Director Of Health Services, Sankarankovil.

13. The Medical Officer, Govt. Primary Helath Centre, Elathur, Tirunelveli District

14. The Medical Officer, Primary Health Centre, Alangulam, Tirunelveli District

15. The Deputy Director, Family Welfare, Tirunelveli.

16. The Medical Officer, Govt. Hospital, Sankarankovil, Tirunelveli District

17. The Deputy Director, Medical Rural Health Services and Family Welfare, Tirunelveli District at Thenkasi.

18. The Sub-Treasury Officer, Sub-Treasury, Thenkasi.

19. The Sub-Treasury Officer, Sub-Treasury, Sankarankovil.

20. The Sub-Treasury Officer, Sub-Treasury, Tirunelveli.

21. The Sub-Treasury Officer, Sub-Treasury, Senkottai,

22. The District Treasury Officer, District Treasury, Tirunelveli.

23. The Sub-Treasury Officer, Sub-Treasury, Alangulam, Tirunelveli District

... Respondents 9 to 23 in WA(MD)No. 19 of 2014 /
Respondents 1 to 5 & 7 to 16

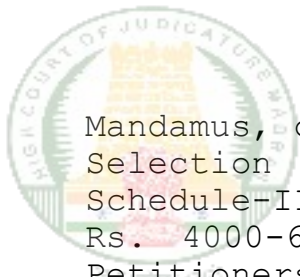
Prayer in WA(MD)No. 19 of 2014 :

Appeal filed under Section 15 of letter patent Act, praying this Court appeal against the order dated 26.07.2013 in WP(MD). No.12175/2013 on the file of this Court.

Prayer in WP(MD)No. 12175 of 2013 :

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

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ of



Mandamus, directing the respondents to implement the Ordinary Grade, Selection Grade and Special Grade Scales of Pay as indicated in Schedule-II of the Tamilnadu Revised Scales of Pay Rules, 1998 at Rs. 4000-6000, Rs.5000-8000 and Rs. 5500-9000 respectively to the Petitioners Drivers from the respective dates of completion of 10 years of service in the ordinary Grade and 10 years in the Selection Grade, with all consequential monetary benefits and also to revise their pensionary benefits on that basis, pay all arrears within a stipulated time.

For Appellant : Mr. V.R.Shanmuganathan

For Respondents 1 to 4 : Mr. Ravi

WA(MD)No. 1120 of 2014 :

1. The Joint Director Of Agriculture, Nirupar Colony, Tirunelveli District.
2. The Assistant Director Of Agriculture, Tirunelveli.
3. The Joint Director Of Agriculture, Senkottai.
4. The Assistant Director Of Seed Certification, Tirunelveli.
5. The District Treasury Officer Tirunelveli.

... Appellants in WA(MD)No. 1120 of 2014 /Respondents
- Vs. -

1. G.Velumani Selection Grade Driver, Joint Director of Agriculture, Nirupar Colony, Tirunelveli District.
2. S.Rajendran Special Grade Driver, Assistant Director of Agriculture, Senkottai.
3. Palani Special Grade Driver, Assistant Director of Seed Certification, Tirunelveli.

... Respondents in WA(MD)No. 1120 of 2014 /Petitioners

Prayer in WA(MD)No. 1120 of 2014 :

Appeal filed under Section 15 of letter patent Act, against the order dated 16.07.2013 in WP(MD).No.11204/2013 on the file of this Court.

Prayer in WP(MD)No. 11204 of 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to implement the Ordinary Grade, Selection Grade and Special Grade Scales of pay as indicated in Schedule-II of the Tamil Nadu Revised Scales of Pay Rules, 1998 at Rs.4000-6000, Rs.5000-8000 and Rs.5500-9000 respectively to the



Petitioners Drivers from the respective dates of completion of 10 years of service in the ordinary Grade and 10 years in the Selection Grade, with all consequential monetary benefits and also to revise their pensionary benefits on that basis, pay all arrears within a stipulated time period.

For Appellants : Mr. V.R.Shanmuganathan
For Respondents 1 to 3 : Mr. Ravi

WA(MD)No. 470 of 2016

1. The District Forest Officer, Ayyalur Interface Forestry Division, Dindigul 624 001.

... Appellant in WA(MD)No. 470 of 2016 /Respondent
- Vs. -

1. M.S.Selvaraj

... Respondent in WA(MD)No. 470 of 2016 /Petitioner
Prayer in WA(MD)No. 470 of 2016 :

Appeal filed under Section 15 of letter patent Act, praying this Court against the order dated 26.08.2010 in WP(MD). No.10618/2010 on the file of this Court.

Prayer in WP(MD)No. 10618 of 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS, directing the Respondents to implement the Ordinary Grade and Selection Grade Scale of Pay as indicated in Schedule I and Schedule-II of the Tamil Nadu Revised Scales of Pay Rules 1998 at Rs.4000/- and 5000/- respectively to the petitioner Driver from 01-01-1996 and pay all arrears within a stipulated time period.

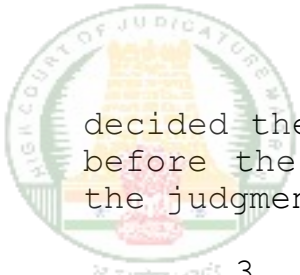
For Appellant : Mr. V.R.Shanmuganathan
For Respondent : Mr. Ravi

JUDGMENT

[Judgment of the Court was delivered by
SUBRAMONIUM PRASAD, J.)

The instant writ appeals have been filed challenging the order dated 29.03.2012.

2. The issue arising in these appeals are covered by the judgment of the Hon'ble Supreme Court in **P.Singaravelan and others etc., V. The District Collector, Tiruppur and others etc. (Civil Appeal Nos.9533-9537 of 2019)**, wherein the Hon'ble Supreme Court has



decided the issue in favour of the State Government. The appellants before the Supreme Court however filed review petitions as against the judgment dated 18.12.2019, which are pending.

3. In view of the judgment of the Hon'ble Supreme Court, the instant writ appeals are allowed. However, in case, the Review Petitions end in favour of the respondents herein, it is always open to the respondents to reopen the issue by filing appropriate petitions. However, there shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

To

1. The Joint Director of Health Service, Tirunelveli District, Tirunelveli.
2. The Deputy Director of Medical and Rural Health and Family Welfare, Tirunelveli.
3. The District Forest Officer, Ayyalur Interface Forestry Division, Dindigul 624 001.
4. The Forestry Extension Officer, Forestry Extension Division, P.K.Agharam Post, Trichy.
5. The Addl.Treasury Officer, Trichy.
6. The Secretary to Government, Department of Forest, Secretariat, Chennai.
7. The Secretary to Government of Tamilnadu, Highways and Minor Ports Department, Secretariat, Chennai-9.
8. The Director General (Highways), Chepauk, Chennai-5.
9. The Divisional Engineer (H), Highways Department, Madurai Division, Madurai-625007.
10. The Divisional Engineer (H) Highways Department, Dindigul Division, Dindigul-624001.
11. The Divisional Engineer (H) Highways Department, Theni Division, Theni-624001.
12. The Divisional Engineer (H) Highways Department, Virudhunagar Division, Virudhunagar District.



WA(MD)No.878 of 2015

13. The Joint Director Of Agriculture, Nirupar Colony, Tirunelveli District.
14. The Assistant Director Of Agriculture, Tirunelveli.
15. The Joint Director Of Agriculture, Senkottai.
16. The Assistant Director Of Seed Certification, Tirunelveli.
17. The District Treasury Officer Tirunelveli.

+1 CC to Mr.K.P.NARAYANA KUMAR, Advocate (SR-9062[F] dated 28/02/2020)

JUDGMENT MADE IN
W.A. [MD]Nos.513 of 2012,798/2012, 18/2014, 19/2014,
1120/2014 and 470/2016
26.02.2020

VB(18.03.2020) 10P 19C