



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2020

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P. (MD) Nos.13707 to 13709 of 2012

- 1.R.Sekar ... Petitioner in W.P.(MD)No.13707 of 2012
- 2.M.Nalluchamy ... Petitioner in W.P.(MD)No.13708 of 2012
- 3.V.Kanniappan ... Petitioner in W.P.(MD)No.13709 of 2012

Vs.

- 1.Finance (Pay Cell) Department Rep.by
The Principal Secretary to Government of Tamilnadu,
St.George Fort, Chennai - 600 009.
- 2.Tamilnadu Fire and Rescue Services Department,
Rep.by The Secretary to Government of Tamilnadu,
St.George Fort, Chennai - 9.
- 3.The Pension Payment Officer,
Chennai - 600 006.
- 4.The Accountant General(AE),
Government of Tamilnadu,
Chennai - 18.
- 5.The Divisional Officer,
Fire and Rescue Services,
Dindigul Division. ... Respondents in all W.Ps.

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to pay a revised pension for the petitioners by calculating the pay fixation as 9300-34800-4200 as per the G.O.Ms.No.234 passed by the first respondent dated 01.06.2009 and subsequent clarified Government letter issued by the first respondent vide 63305 dated 08.11.2010 and letter No.26734/pay cell/2011-1 dated 24.05.2011 issued from the office of the first respondent and may consequently direct the respondents 3 and 4 to disburse the pensional benefits to these petitioners with accrued arrears from 01.01.2007.

For Petitioners	:	Mr.A.Balakrishnan
(In all W.Ps.)		
For R1 to R3	:	Mr.D.Muruganandham, Additional Government Pleader.
For R4	:	Mr.P.Gunasekaran

**COMMON ORDER**

The relief sought for in the present writ petitions is to direct the respondents to pay revised pension for the petitioners by calculating pay fixation as 9300-34800-4200 as per G.O.Ms.No.234, dated 01.06.2009 and and subsequent clarified Government letter issued by the first respondent, dated 08.11.2010 and letter, dated 24.05.2011 issued from the office of the first respondent and consequently direct the respondents 3 and 4 to disburse the pensional benefits to these petitioners along with arrears.

2.The petitioners were appointed as Fireman and further promoted to the post Fireman-Driver. They were subsequently promoted to the post of Driver Mechanic. The first petitioners were retired from service on 30.06.2011, 31.05.2007 and 30.11.2008 respectively. The grievance of the petitioners is that the pay applicable to the selection grade of Fireman-Driver that is, 9300-34800-4200 had not been paid to them.

3.The learned Additional Government Pleader appearing on behalf of the Department as well as the learned counsel appearing on behalf of the fourth respondent/Accountant General made a submission that the post of Fireman-Driver is a feeder category for promotion of the post of Driver Mechanic. The scale pay of Driver Mechanic as per revised scale of pay is as follows:

With effect from 1 st July, 2006	---	2% of basic pay+grade pay
With effect from 1 st January, 2007	---	6% of basic pay+grade pay
With effect from 1 st July, 2007	---	9% of basic pay+grade pay
With effect from 1 st January, 2008	---	12% of basic pay+grade pay
With effect from 1 st July, 2008	---	16% of basic pay+grade pay
With effect from 1 st January, 2009	---	22% of basic pay+grade pay

4.The guidelines issued by the Government in letter dated 08.11.2010 states that if the revised selection grade/ special grade scales of pay indicated happens to be higher than the the first level/second level promotion posts, in such cases only the revised selection grade/special grade scales pay should be restricted to the first level and second level promotions respectively. Accordingly, the selection grade pay in respect of the petitioners is restricted to the first level of promotion to the post of driver mechanic is Rs.5200-20200+2400. Due to that the petitioners holding the post of Driver, it does not draw more scale of pay applicable to the post of Driver Mechanic.

