



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD).No.17960 of 2013

A.John Kulandai Raj

... Petitioner

-Vs-

1.The District Family Welfare Maternity
and Child Health Officer,
Tirunelveli District.

2.The Block Medical Officer,
Government Primary Health Centre,
Nanguneri (Tk), Munanjipattai,
Tirunelveli District.

3.The Director of Family Welfare
and Rural Health Service, Chennai.

4.The Sub Treasury Officer,
Sub Treasury, Nanguneri,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, 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 petitioner 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 and pay all arrears within a stipulated time period.

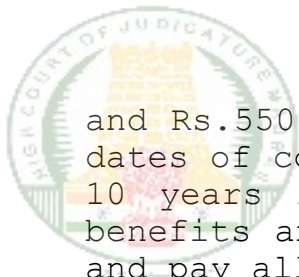
For Petitioner : Mr.M.Ravi

For Respondents : Mr.S.Dhayalan

Government Advocate

ORDER

The relief sought for in this writ petition is to direct 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 petitioner 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 and pay all arrears within a stipulated time period.

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2.It is brought to the notice of this Court that the issues with reference to the revision of pay, all the category of drivers are settled by the Hon'ble Division Bench of this Court in the case of **The Director of Sericulture Department, Salem Vs. K.Kumar** reported in **2015 (4) CTC 241**. The Hon'ble Division Bench of this Court passed the following the orders:-

"....42.Therefore, in the result, all the writ petitions filed by the individual employees claiming Selection Grade Scale of Pay of Rs.5,000-8,000 and Special Grade Pay Scale of Rs.5,500-9,000 are liable to be dismissed. However, there are a few writ petitions such as W.P.Nos.23550 of 2010, 5498 of 2012 and 30616 of 2012, where the employees claim that they are not even granted the admissible Selection Grade and Special Grade Scales Pay of Rs.4,000-6,000 and Rs.4,300-6,000 respectively.

43.Therefore, with a clarification that all the petitioners in the writ petitions and the respondents in the writ appeals are entitled only to a Selection Grade Scale of Pay of Rs.4,000-100-6,000 and a Special Grade Scale of Pay of Rs.4,300-100-6,000, but not more than, all the writ petitions filed by the employees are dismissed. All the writ appeals filed either by the State Government or by various Heads of Departments or by various officers of the Government or by various Local Bodies or Boards or Corporations, shall stand allowed. There will be no Order as to costs."

3.The order of the Hon'ble Division Bench of this Court was taken by way of an appeal before the Hon'ble Supreme Court of India and the Hon'ble Apex Court passed the following orders:-

"...24.Thus, it is evident that the Appellants cannot claim the Selection Grade and Special Grade scales of pay of Rs.5000-8000 and Rs.5500-9000 respectively, solely on the strength of earlier decisions of the High Court, without showing how they, themselves, are entitled to such benefits in the first place. In such a situation, we are of the considered view that the Appellants can only be granted the benefit of the Selection Grade and Special Grade scales of pay to which they are lawfully entitled in



terms of G.O.Ms.No.162, i.e.
Rs.4000-6000 and Rs.4300-6000 respectively.

25. Therefore, in view of the foregoing discussion, we find no reason to interfere with the impugned judgment. The instant appeals are hereby dismissed, and the impugned judgment is confirmed.."

4. In view of the fact that the Hon'ble Division Bench of this Court and the Hon'ble Apex Court of India settled the issues, the relief as such sought for in the present writ petition for revision of pay cannot be granted. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

To

1. The District Family Welfare Maternity
and Child Health Officer,
Tirunelveli District.

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Nanguneri (Tk), Munanjipattai,
Tirunelveli District.

3. The Director of Family Welfare
and Rural Health Service, Chennai.

4. The Sub Treasury Officer,
Sub Treasury, Nanguneri,
Tirunelveli District.

+1 CC to M/s. Special Govt. Pleader (SR-20220[F] dated 15/10/2020)

W.P. (MD) .No.17960 of 2013
14.10.2020

sjj
SDS (28.10.2020) 3P-6C