



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE A.P.SAHI, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A. [MD]Nos.34; 493; 852 and 853 of 2018

and

C.M.P. (MD)Nos.2934; 5166 and 5167 of 2018

W.A. (MD)No.34 of 2018:

- 1.The State of Tamilnadu,
Rep.By its Secretary to Government,
Finance (Pay Cell) Department,
Fort.St.George, Chennai-9.
- 2.The Superintending Engineer,
Public Works Department (WRO),
Madurai Circle, North Avenue Street,
Madurai-1.
- 3.The Divisional Engineer,
(Construction and Maintenance),
Highways Department, Sivagangai-630 561.
- 4.The Asistant Executive Engineer,
Public Works Department,
Heavy Machinery Sub Division,
Chepauk, Chennai-5.
- 5.The Executive Engineer,
Periyaru Improvement Plant,
Public Works Department,
Madurai Division No.7, Madurai-625 002.
- 6.The Assistant Executive Engineer,
Building Maintenance,
Public Works Department,
Sub Division(North), Madurai-2.
- 7.The Joint Director of Health,
Department of Health, Sivagangai District,
Sivagangai-630 561.



8.The Divisional Engineer,
Construction and Maintenance Division,
Highways Department, Bangalaw Medu,
Theni-625 531.

9.The Divisional Engineer,
Nabard and Rural Roads,
Highways Department, Palayamkottai,
Tirunelveli-2.

10.The Superintending Engineer,
TWAD Board, Madurai,
Theni and Dindigul Circule,
Ganesh Nagar, Madurai-7.

11.The Joint Dirctor,
Health and Family Welfare Department,
Sivagangai.

12.The Deputy Director,
Public Health Department,
Sivagangai-630 561.

: Appellants / Respondents

Vs.

1. R.Natarajan
2. P.Muthaiah
3. C.Natarajan
4. M.Subramanian
5. P.Dharmarajan
6. A.Markandan
7. C.Bose
8. V.Kannan
9. S.K.Soundara Raj
10. M.Rajendran
11. N.Prabakaran
12. G.Shajahan

: Respondents / Petitioners

13.The Accountant General,
Theynampettai, Chennai-18.

: Respondent No.13 /
2nd respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 23.04.2015 passed in W.P(MD)No.6540 of 2015.

Prayer in WP(MD). 6540 of 2015 :

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 refix the scale of pay of the petitioners in accordance with Schedule - II of Tamilnadu Revised Scale of Pay Rules, 1998 and to pay difference in salary and the arrears of



difference in pension with effect from 01.01.1996 on such re-fixation.

For Appellants

: Mr.V.R.Shanmuganathan

Special Government Pleader

For Respondents

: Mr.S.Visvalingam

W.A. (MD)No.493 of 2018:

1.The Secretary to Government,
Agriculture Department,
Secretariat, Chennai 600 009.

2.The Superintending Engineer,
Agriculture Engineering Department,
Jail corner, Trichirappalli - 620 020,
Trichirappalli District.

: Appellants /
4th & 14th Respondents

Vs.

1. R.Dowlathkhan
2. R.Veeraiyan
3. M.Sundar
4. S.Kasinathan
5. P.Kathiresan
6. P.Ramachandiran
7. M.Arokiasamy
8. R.Palanivel
9. B.Chandra Sekaran
10. S.Ramasamy
11. C.Thangappan
12. N.Ponpandian
- 13.S.Radhakrishnan
- 14.C.Natrajan
- 15.R.Parthasarathy
- 16.A.Thangavelu
- 17.M.Mariadoss
- 18.G.Amalraj
- 19.A.Muthu
- 20.M.Sivanathan
- 21.S.Swaminathan
- 22.M.Savarimuthu
- 23.N.Gopalakrishnan
- 24.P.R.Venugopal
- 25.G.Kaliyiamoorthy
- 26.P.Sakthivel
- 27.P.Sundaramoorthy

: Respondents 1 to 27 /
Petitioners 1 to 27

28.The Principal Secretary to Government,
Public Health Department,
Secretariat, Cehnnai 600 009.



29.The Secretary to Government,
Hindu Religious Endowment
Department, Secretariat, Chennai.

30.The Secretary to Government,
Public Works Department Secretariat,
Chennai.

: Respondents 28 to 30 /
Respondents 1 to 3

31.The Secretary to Government,
Forest Department Secretariat, Chennai.

32.The Secretary to Government,
Industries and Commerce Department,
Secretariat, Chennai.

33.The Secretary to Government,
School Education Department,
Secretariat, Chennai.

34.The Secretary to Government,
Public Department, Secretariat,
Chennai.

35.The District Collector,
Trichirappalli - 620 001,
Trichirappalli District.

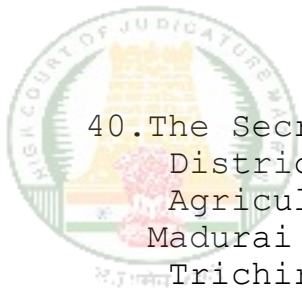
36.The Deputy Director of Public Health,
Trichirappalli - 620 001,
Trichirappalli District.

37.The Joint Director of Public
Health and Family Welfare,
Headquarters Hospital,
Trichirappalli - 620 001,
Trichirappalli District.

38.The Assistant Commissioner of
Hindu Religious and Endowment Board,
Trichirappalli - 620 002,
Trichirappalli District.

39.The Executive Engineer,
Public Works Department,
Periyar Dam Special Division,
Cumbum, Madurai District.

... Respondents 31 to 39/
Respondents 5 to 13



40.The Secretary,
District Market Committee,
Agriculture Dept, No.199,
Madurai Road, Trichirappalli - 620 008,
Trichirappalli District.

41.The Assistant Director For Ex-Service Men,
No.19, Wireless Road, Cantonment,
Trichirappalli - 620 001,
Trichirappalli District.

42.The Superintending Engineer,
Highways and Nabard Rural Roads Division,
Trichirappalli, Trichirappalli District.

43.The Superintending Engineer,
Water Resource Organization,
Public Works Department,
Trichirappalli - 620 020,
Trichirappalli District.

44.The District Forest Officer,
Court Complex, Trichirappalli,
Trichirappalli District.

45.The Manager, District Industries Centre,
Trichirappalli,
Trichirappalli District.

46.The District Educational Officer,
Collectorate Campus,
Trichirappalli - 620 001,
Trichirappalli District.

: Respondents 40 to 46 /
Respondents 15 to 21

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 01.08.2013 passed in W.P(MD)No.12866 of 2013.

Prayer in WP(MD). 12866 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 extend the benefits granted as per serial no. 8, schedule -II as per paragraph-4 of the order and Rule 3(1) of G.O.Ms.No. 162 Finance (Paycell) Department dated 13/04/1998 to the petitioners also by granting Ordinary Grade Rs.4000-100-6000 and selection grade Rs. 5000-150-8000 and Special Grade Rs. 5500-175-9000 according to their total service rendered within a specified time frame that may be fixed by this Honourable High Court.



For Appellants

: Mr.V.R.Shanmuganathan
Special Government Pleader
: Mr.S.Visvalingam

For R-1 to R-27

W.A. (MD)No.852 of 2018:

The Divisional Engineer,
(Construction & Maintenance)
Highways Department,
Sivagangai - 630 561.

: Appellant /4th Respondent

Vs.

... 1st Respondent/1st Petitioner

1. R.Natarajan
2. P.Muthaiah
3. C.Natarajan
4. M.Subramanian
5. P.Dharmarajan
6. A. Markandan
7. C. Bose
8. V. Kannan
9. S.K. Soundara Raj
10. M. Rajendran
11. N.Prabaharan
12. G.Shajahan

: Respondents 1 to 12 /
Petitioners 2 to 12

13.The State of Tamilnadu,
Rep by Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George, Chennai.

14.The Accountant General ,
Theynampettai,
Chennai.

15.The Superintending Engineer,
Public Works Department, (WRO)
Madurai Circle, North Avenue Street,
Madurai.

16.The Assistant Executive Engineer,
Public Works Department,
Heavy Machinery Sub Division,
Chepauk, Chennai.

17.The Executive Engineer, Periyaru Improvement Plaint,
Public Works Department, Madurai Division No.7,
Madurai - 625 002.



18.The Assistant Executive Engineer,
Building and Maintenance,
Public Works Department,
Sub Division (North)
Madurai - 2.

19.The Joint Director of Health,
Department of Health,
Sivagangai District , Sivagangai 630 561.

20.The Divisional Engineer,
Construction and Maintenance Division,
Highways Department, Bungalamedu,
Theni District - 625 531.

21.The Divisional Engineer, Nabard and Rural Roads,
Highways Department,
Palayamkottai, Tirunelveli District.

22.The Superintending Engineer, TWAD Board,
Madurai, Theni & Dindigul Circle,
Ganesh Nagar, Madurai.

23.The Joint Director, Health and Family Welfare Department,
Sivagangai.

24.The Deputy Director, Public Health Department,
Sivagangai.

: Respondents 13 to 24 /
Respondents 1 to 3 & 5 to 13

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 23.04.2015 passed in W.P(MD)No.6540 of 2015.

Prayer in WP(MD). 6540 of 2015 :

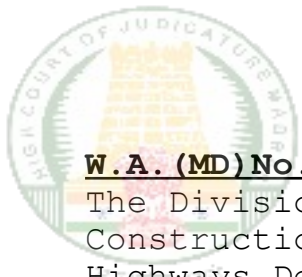
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to re-fix the scale of pay of the petitioners in accordance with Schedule - II of Tamilnadu Revised Scale of Pay Rules, 1998 and to pay difference in salary and the arrears of difference in pension with effect from 01.01.1996 on such re-fixation.

For Appellants

: Mr.V.R.Shanmuganathan
Special Government Pleader

For R-1 to R-12

: Mr.S.Visvalingam



W.A. (MD)No.853 of 2018:

The Divisional Engineer,
Construction & Maintenance Division
Highways Department,
Bungalamedu,
Theni District.

: Appellant / 9th Respondent

Vs.

: 1st respondent / 8th petitioner

1. V.Kannan
2. R.Natarajan
- 3.P.Muthaiah
- 4.C.Natarajan
- 5.M.Subramanian
- 6.P.Dharmarajan
- 7.A.Markandan
- 8.C.Bose
- 9.S.K.Soundara Raj
- 10.M.Rajendran
- 11.N.Prabaharan
- 12.G.Shajahan

: Respondents 2 to 12 /
Petitioners 1 to 7 & 9 to 12.

13.The Government of Tamilnadu,
Rep by Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George, Chennai.

14.The Accountant General,
Theynampettai,
Chennai.

15.The Superintending Engineer,
Public Works Department, (WRO)
Madurai Circle, North Avenue Street, Madurai.

16.The Divisional Engineer,
(Construction & Maintenance)
Highways Department, Sivagangi.

17.The Assistant Executive Engineer,
Public Works Department,
Heavy Machinery Sub Division,
Chepauk, Chennai.

18.The Executive Engineer,
Periyaru Improvement Plaint,
Public Works Department,
Madurai Division No.7,
Madurai.



19. The Assistant Executive Engineer,
Building and Maintenance,
Public Works Department,
Sub Division (North), Madurai.

20. The Joint Director of Health,
Department of Health,
Sivagangai District, Sivagangai.

21. The Divisional Engineer,
Nabard and Rural Roads,
Highways Department,
Palayamkottai, Tirunelveli District.

22. The Superintending Engineer, TWAD Board,
Madurai, Theni & Dindigul Circle,
Ganesh Nagar, Madurai.

23. The Joint Director,
Health and Family Welfare Department,
Sivagangai.

24. The Deputy Director,
Public Health Department,
Sivagangai.

...Respondents 13 to 24 /
Respondents 1 to 8 & 10 to 13

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 23.04.2015 passed in W.P(MD)No.6540 of 2015.

Prayer in WP(MD). 6540 of 2015 :

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 re-fix the scale of pay of the petitioners in accordance with Schedule - II of Tamilnadu Revised Scale of Pay Rules, 1998 and to pay difference in salary and the arrears of difference in pension with effect from 01.01.1996 on such re-fixation.

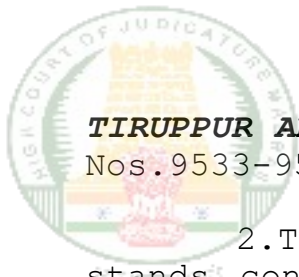
For Appellants	: Mr.V.R.Shanmuganathan Special Government Pleader
For R-1 to R-12	: Mr.S.Visvalingam

COMMON JUDGMENT

[Judgment of the Court was delivered by **Subramonium Prasad, J.**]

It is submitted by both the parties that the issue raised in these writ appeals is covered by the Judgment of the Apex Court in the case of **P. SINGARAVELAN AND OTHERS v. DISTRICT COLLECTOR,**

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



TIRUPPUR AND OTHERS, decided on 18th December, 2019, in Civil Appeal Nos.9533-9537 of 2019 etc., batch.

2.The issue raised therefore in the present set of appeals stands concluded by the Judgment of the Apex Court. Hence, these writ appeals deserve to be allowed. Accordingly, we set aside the impugned Judgments and allowed the appeals in terms of the Apex Court Judgment referred to hereinabove.

3.The learned counsel for the respondents / writ petitioners, however, points out that a Review Petition has been preferred before the Apex Court. Needless to state that in case, a decision otherwise is taken by the Apex Court in the review petition, it will be open to the respondents / petitioners to reopen their cases. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Secretary to Government,
Government of Tamilnadu,
Finance (Pay Cell) Department,
Fort St. George, Chennai.

2.The Accountant General,
Theynampettai, Chennai.

3.The Superintending Engineer,
Public Works Department, (WRO)
Madurai Circle, North Avenue Street, Madurai.

4.The Divisional Engineer,
(Construction & Maintenance)
Highways Department, Sivagangi.

5.The Assistant Executive Engineer,
Public Works Department,
Heavy Machinery Sub Division,
Chepauk, Chennai.



- 6.The Executive Engineer,
Periyaru Improvement Plaint,
Public Works Department,
Madurai Division No.7,
Madurai.
7. The Assistant Executive Engineer,
Building and Maintenance,
Public Works Department,
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Sivagangai District , Sivagangai District.
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Nabard and Rural Roads,
Highways Department,
Palayamkottai, Tirunelveli District.
- 10.The Superintending Engineer, TWAD Board,
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Ganesh Nagar, Madurai.
- 11.The Joint Director,
Health and Family Welfare Department,
Sivagangai.
- 12.The Deputy Director,
Public Health Department,
Sivagangai.
- 13.The Principal Secretary to Government,
Public Health Department,
Secretariat, Cehnnai 600 009.
- 14.The Secretary to Government,
Hindu Religious Endowment
Department, Secretariat, Chennai.
- 15.The Secretary to Government,
Public Works Department Secretariat,
Chennai.
- 16.The Secretary to Government,
Forest Department Secretariat, Chennai.



17.The Secretary to Government,
Industries and Commerce Department,
Secretariat, Chennai.

18.The Secretary to Government,
School Education Department,
Secretariat, Chennai.

19.The Secretary to Government,
Public Department, Secretariat,
Chennai.

20.The District Collector,
Trichirappalli - 620 001,
Trichirappalli District.

21.The Deputy Director of Public Health,
Trichirappalli - 620 001,
Trichirappalli District.

22.The Joint Director of Public
Health and Family Welfare,
Headquarters Hospital,
Trichirappalli - 620 001,
Trichirappalli District.

23.The Assistant Commissioner of
Hindu Religious and Endowment Board,
Trichirappalli - 620 002,
Trichirappalli District.

24.The Executive Engineer,
Public Works Department,
Periyar Dam Special Division,
Cumbum, Madurai District.

25.The Secretary,
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Agriculture Dept, No.199,
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Trichirappalli District.

26.The Assistant Director For Ex-Service Men,
No.19, Wireless Road, Cantonment,
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Trichirappalli District.



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Trichirappalli,
Trichirappalli District.

28.The Superintending Engineer,
Water Resource Organization,
Public Works Department,
Trichirappalli - 620 020,
Trichirappalli District.

29.The District Forest Officer,
Court Complex,
Trichirappalli,
Trichirappalli District.

30.The Manager, District Industries Centre,
Trichirappalli,
Trichirappalli District.

31.The District Educational Officer,
Collectorate Campus,
Trichirappalli - 620 001,
Trichirappalli District.

32. The Divisional Engineer,
Construction and Maintenance Division,
Highways Department, Bangalaw Medu,
Theni-625 531.

+1CC TO MR.S.VISVALINGAM, Advocate Sr. No. 8127

JUDGMENT MADE IN
W.A. [MD]Nos.34; 493; 852
and 853 of 2018
25.02.2020

AC (CO)
TR(12.03.2020) 13P 34C