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W.A(MD)Nos.992 to 995 of 2015 etc., batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2020

CORAM:

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

AND

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.[MD]Nos.992 to 995 of 2015

and

W.A.[MD]Nos.466; 483 & 1206 of 2016

and

M.P.[MD]Nos.1 to 1 of 2015 &

C.M.P. (MD)Nos.3284; 3447 and 7963 of 2016

The Deputy Conservator of Forests,
Agro Forestry Research Division,
Madurai.

.... Appellant in WA(MD). 992/ 2015

The Divisional Forest Officer, Karur Crash Plantation, Forest
Division, M.G.R.Nagar, Vienga Medu,
Karur

.... Appellant in WA(MD). 993/ 2015

The Divisional Forest Officer, Iyyalur Interface Forest Division,
Iyyalur, Dindigul District

.... Appellant in WA(MD). 994/ 2015

The District Forest Officer, Sirumalai Interface Forest Division,
Dindigul.

.... Appellant in WA(MD). 995/ 2015

The Executive Engineer, Public Works Department (WRO), Supervision
& Quality Control Division,
Madurai - 625 002.

... Appellant in WA(MD). 466/ 2016

The Forest Engineer, Engineering Division, Mannarpuram,
Trichirappalli

.... Appellant in WA(MD). 483/ 2016

1. The Secretary to Govt. Education Department, Secretariat,
Chennai - 9.

2. The Director of School Education, Chennai.

... Appellant in WA(MD). 1206/ 2016



-Versus-

N.Malaichamy

S.Parthasarathy

M.S.Selvaraj

P.Rajamani

P.Ramasamy

G. Thilagar

1. M.Gopal

2. C.Mariappan

3. S.Muthiah

4. M.Mariappan

5. S.Ramasamy

6. T.M.Sankaran

7. A.Chinnathambi

8. A.Rajamani

9. S.Ramachandran

10. K.Ganesan

11. P.Ramachandran

12. The Principal Secretary to Govt. Revenue Department,
Secretariat, Chennai - 9.

13. The Secretary to Govt. Commercial Taxes Department, Secretariat,
Chennai - 9.

14. The Agricultural Production Commissioner and Principal
Secretary to Govt. Agricultural Department, Secretariat, Chennai -
9.

15. The Secretary to Govt. Co-Operation Food and Consumer
Protection Department, Secretariat, Chennai - 9.

16. The Director of Animal Husbandary, Teynampet, Chennai - 6.

17. The Director of Agritculture Chepauk, Chennai - 5.

18. The Commissioner of Commercial, Taxes, Ezhilagam, Chepauk,
Chennai - 5.

19. The Registrar of Co-Operative Societies, Kilpauk, Chennai - 10.

20. The District Collector Tuticorin District, Tuticorin.

... Respondents in WA(MD). 1206/ 2016



COMMON PRAYER IN WA(MD)Nos. 992 TO 995 of 2015 and 466, 483 and 1206/2016:

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Writ Appeals filed under Clause 15 of Letters Patent, preferred against the order dated 26.08.2010 passed in WP(MD)Nos. 10595 , 10617, 10618 and 10622, 11051, 10615 / 2010 and 12003/2013

Prayer in WP(MD) . 10595/ 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.

Prayer in WP(MD) . 10617/ 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.

Prayer in WP(MD) . 10618/ 2010 :

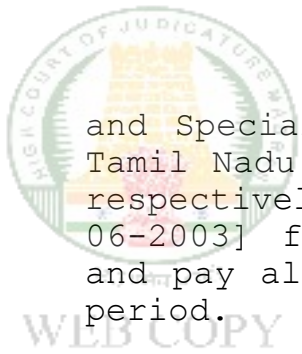
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS, directing the Respondents to implement the Ordinary Grade and Selection Grade Scale of Pay as indicated in Schedule I and Schedule-II of the Tamil Nadu Revised Scales of Pay Rules 1998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

Prayer in WP(MD) . 10622/ 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 petitioner Driver from 01-01-1996 and pay all arrears within a stipulated time period.

Prayer in WP(MD) . 11051/ 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 petitioner Driver [retired from service on 30-06-2003] from 01-01-1996 with all consequential monetary benefits and pay all arrears of salary and pension within a stipulated time period.

Prayer in WP(MD) . 10615/ 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 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.

Prayer in WP(MD) . 12003/ 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 Honble High Court.

In all Cases:

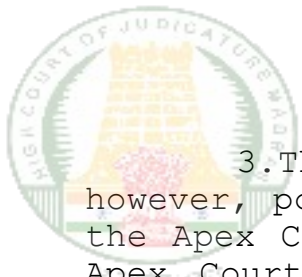
For Appellant	: Mr.V.R.Shanmuganathan Special Government Pleader
For Respondent	: Mr.M.Ravi

COMMON JUDGMENT

[Judgment of the Court was delivered by
THE HONOURABLE CHIEF JUSTICE]

The learned counsel for the State has invited the attention of the Court to the Judgment of the Apex Court in the case of **P.SINGARAVELAN AND OTHERS v. DISTRICT COLLECTOR, TIRUPPUR AND OTHERS**, decided on 18th December, 2019.

2.The issue raised therefore in the present set of appeals stands concluded by the Judgment of the Apex Court. Hence, the appeals deserve to be allowed. Accordingly, we set aside the impugned Judgments, dated 26.08.2010 and 26.07.2013 respectively and allow the appeals in terms of the Apex Court Judgment referred to herein above.



3. The learned counsel for the respondents / writ petitioners, however, points out that a Review Petition has been preferred before the Apex Court. In the event, a decision otherwise is taken by the Apex Court, 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 (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Principal Secretary to Govt. Revenue Department, Secretariat, Chennai - 9.
2. The Secretary to Govt. Commercial Taxes Department, Secretariat, Chennai - 9.
3. The Agricultural Production Commissioner and Principal Secretary to Govt. Agricultural Department, Secretariat, Chennai - 9.
4. The Secretary to Govt. Co-Operation Food and Consumer Protection Department, Secretariat, Chennai - 9.
5. The Director of Animal Husbandary, Teynampet, Chennai - 6.
6. The Director of Agritculture Chepauk, Chennai - 5.
7. The Commissioner of Commercial, Taxes, Ezhilagam, Chepauk, Chennai - 5.
8. The Registrar of Co-Operative Societies, Kilpauk, Chennai - 10.
9. The District Collector Tuticorin District, Tuticorin.

+1CC to Special Govt.Pleader SR No.8133.

JUDGMENT MADE IN
W.A. [MD]Nos.992 to 995 of 2015
and
W.A. [MD]Nos.466; 483 & 1206 of 2016
24.02.2020

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SDS (05.03.2020) 5P-11C