



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2020

CORAM:

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21132 of 2015

and

W.M.P(MD)No.13589 of 2016

1.S.Kannan
2.S.Jelina Neethi Bai
3.L.Rajalakshmi
4.R.Damayanthi
5.K.Vijayalakshmi
6.M.Kasthuri
7.M.Vadamalraj
8.M.Padmasuran
9.A.Balasubramani

... Petitioners

vs.

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

2.The Secretary to Government,
Tamil Development & Information Department,
Secretariat,
Chennai-600 009.

3.The Director of Stationery & Printing,
No.110, Anna Salai,
Chennai-600 002.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned circular issued by the third respondent in his proceedings Iyyak.No.52960/A1/2013 dated 15.04.2014 and quash the same as illegal and consequently to direct the third respondent to allow selection grade and special grade scales of pay of Rs.9300-34800+4200 (GP) and 9300-34800+4400 (GP) to the post of Book Binder Grade-II as per revised Selection Grade and special Grade Scale of pay as clarified in Government Letter No.63305/Pay-cell/2010-1 dated 08.11.2010 on the recommendations of the one man commission-2010 and



pay all the monetary benefits accruing thereon within the period that may be stipulated by this Court.

For Petitioner

: Mr.Mohammed Imran
for M/s.Ajmal Associates

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For Respondents

: Mr.J.Gunaseelan Muthaiah
Additional Government Pleader

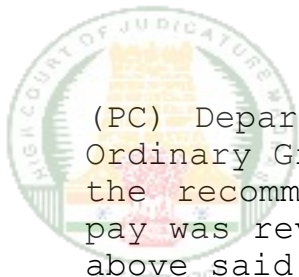
ORDER

This Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the Impugned circular issued by the third respondent in his proceedings Iyyak.No.52960/A1/2013, dated 15.04.2014 and quash the same as illegal and consequently, to direct the third respondent to allow selection grade and special grade scales of pay of Rs.9300-34800+4200 (GP) and 9300-34800+4400 (GP) to the post of Book Binder Grade-II as per revised Selection Grade and special Grade Scale of pay as clarified in Government Letter No.63305/Pay-cell/2010-1, dated 08.11.2010 on the recommendations of the One Man Commission-2010 and pay all the monetary benefits.

2.The case of the petitioners are that they are working as Special Grade Book Binder Grade-II in the Office of the Deputy Works Manager, Madurai Bench of Madras High Court Government Press, Madurai. They were qualified as S.S.L.C., and subsequently passed ITI Book Binding Course conducted by National Council for Vocation Training conducted by Labour and Employment Department, Government of India, New Delhi. They were registered their names in the District Employment Office. Their names were sponsored by the District Employment Office for appointment as Book Binder Grade-II to the third respondent Department. The third respondent appointed the petitioners as Book Binder Grade-II on 08.10.1993. Subsequently, awarded Selection Grade and Special Grade in the post of Book Binder Grade-II on completion of every 10 years of service in the said grades. As such, they have been working as Special Grade Book Binder Grade-II in the third respondent department. In the meantime, the Government issued G.O.Ms.No.234, Finance (PC) Department, dated 01.06.2009 introducing Tamil Nadu Revised Scales of Pay Rules 2009 revising scales of pay of employees/Teachers notionally with effect from 01.01.2006 with monetary benefits with effect from 01.01.2007. Accordingly, the following scales of pay after revision were fitted against the posts as under:-

- (i)Book Binder Grade-II (Ordinary Grade) 5200-20200+2200
- (ii)Book Binder Grade-I (Ordinary Grade) 5200-20200+2400
- (iii)Junior Foreman Book Binding 5200-20200+2800

3. The Government also issued G.O.Ms.No.254 to 338, Finance



(PC) Department, dated 26.08.2010 revising the scale of pay of the Ordinary Grade Posts notionally with effect from 01.06.2006 based on the recommendations of One Man Commission-2010. The said scale of pay was revised and the following scales of pay were provided to the above said category of posts:-

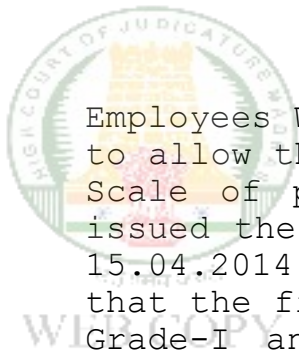
- (i) Book Binder Grade-II (Ordinary Grade) 5200-20200+2400
- (ii) Book Binder Grade-I (Ordinary Grade) 5200-20200+2600
- (ii) Junior Foreman Book Binding 9300-34800+4200

4. As per the said guidelines, the selection grade and special grade scales of pay of the Book Binder Grade-II, Book Binder Grade-I and Junior Foreman Binding were revised as follows:-

S.No	Name of the Post	Ord.Grade	Sel.Grade	Spl.Grade
1.	Book Binder Grade-II	5200-20200+2400	9300-34800+4200	9300-34800+4400
2.	Book Binder Grade-I	5200-20200+2600	9300-34800+4200	9300-34800+4400
3.	Junior Foreman Binding	9300-34800+4200	9300-34800+4400	9300-34800+4600

5. The Book Binder Grade-II who has possessed Government Technical Examination Certificate conducted by the Government Technical Education Department, the first level of promotion is Junior Foreman Binding in the scale of pay of 9300-34800+4200 and for those Book Binder Grade-II who have not possessed the said Government Technical examination certificate, the scale of pay of the next level of promotion is Book Binder Grade-I carrying the scale of pay of Rs.5200-20200+2600. As far as the petitioners are concerned, they are all Special Grade Book Binder Grade-II with requisite qualification in all respects for being promoted as Junior Foreman Binding. As such, the post of Junior Foreman-Binding is a first level promotion post to the Certificate Holders of the Government Technical Examination in the scale of pay of 9300-34800+4200.

6. The petitioners are the certificate holder of Government Technical Examination on Book Binding and they are entitled for being promoted as Junior Foreman-Binding. The third respondent is preparing panel for every year comprising Government Technical examination book binding higher grade certificate holders of Book Binder Grade-II for promotion to the post of Junior Foreman-Binding and promotions are made based on the said panel. But inadvertently, the third respondent has allowed the scale of pay of Rs.5200-20200+2400 as a Selection Grade scale of pay instead of Rs.9300-34800+4200. Therefore, the President of the Central Press Binding



Employees Welfare Association sent a representation dated 28.11.2013 to allow the scale of pay of Rs.9300-34800+4200 as a Selection Grade Scale of pay to Book Binder Grade-II. The third respondent has issued the impugned circular in the Iyyakka No.52960/A1/2013, dated 15.04.2014 rejecting the representation of the President stating that the first level promotion of the Binder Grade-II is Book Binder Grade-I and therefore, Book Binder Grade-II is allowed and the Selection Grade Scale of Rs.5200-20200+2600 and Special Grade Scale of pay is Rs.9300-34800+4200.

7. He further submitted that the Service Rules have been issued interalia in respect of Book Binders in G.O.Ms.No.471, Tamil Development, Religious Endowments and Information (S&P-1) Department, dated 29.11.2007 and the same has been published in Tamil Nadu Government Gazette on 23.01.2008 classifying the Binding as Class-IV. The Service Rule IV-(3) for promotion to the post of Junior Foreman-Binding provides as follows:-

Name of Post	Method of Appointment	Qualification
Junior Foreman	By Promotion from the Category of Top-Senior Binder and Junior-Binder	Must have passed Government Technical Examination in Book Binding by Higher Grade and must have served for a period of not less than 2 years in any one of the post.

8. Therefore, the third respondent without considering the Service Rules in force as well as the method of appointment by promotion adopted by preparing the panel of qualified Book Binder Grade-II for promotion as Junior Foreman-Binding has issued the impugned order restricting the Selection Grade to Book Binder Grade-II as Rs.5200-20200+2600 and to Special Grade scale of pay of Rs.9300-34800+4200. The third respondent failed to see that the Service Rules issued in G.O.Ms.No.471 Tamil Development Religious Endowments and Information (S&P1-1) Department, dated 29.11.2007 wherein a Top-Senior Binder and Junior Binder with qualification of Government Technical Examination Certificate in book binding higher grade is prescribed as a requisite qualification for promotion to Binder Grade-II is Junior Foreman-Binding and therefore, the Ordinary Grade Pay of Rs.9300-34800+4200 of Junior Foreman-Binding is a Selection Grade scale of pay to binder Grade-II and Selection Grade scale of pay of Junior Foreman-Binding Rs.9300-34800+4400 is Special Grade scale of pay to Binder Grade-II and prayed for allowing the writ petition.

9. The learned Additional Government Pleader appearing for the respondents, filed a counter affidavit and would argue that the



following categories are classified under Class IV Binding from higher category to lower category.

- 1.Top Senior Foreman
- 2.Senior Foreman
- 3.Junior Foreman
- 4.Top Senior Binder Grade-I
5. Top Senior Binder Grade-II
- 6.Junior Binder

10. The pay of the above said categories based on the nature of the ascendancy is detailed below:-

Name of the Post	Pay as on 1.10.84	Pay as on 1.06.88	Pay as on 1.1.96	Pay as on 1.1.06	Prescribed Qualification for Direct Recruitment
	(Rs)	(Rs)	(Rs)	(Rs)	
Junior Foreman	780-1385	1400-2600	4500-7000	9300-34800+GP4200	D.P.T.
Senior Binder (Binder Grade-I)	610-1075	1200-2040	4000-6000	5200-20200+GP2600	I.T.I
Junior Binder (Binder Grade II) (By direct recruitment)	555-970	950-1500	3050-4590	5200-20200+GP2400	I.T.I.for Direct Recruitment
Junior Binder By recruitment by transfer from Mazdoors					For recruitment by transfer from successful completion of Trade test in Binding conducted by this Department
Mazdoor	250-400	450-720	2550-3200	4800-10000+GP1300	8 th fail

11. It is also further contended that the employees in the post of Junior Binder are considered for promotion at the first level to the post of Senior Binder and from the post of Senior Binder to the second level promotional post of Junior Foreman upto 2008. Due to the introduction of Service Rules by an order of the Government in G.O.471, Tamil Development and Information Department, dated 29.11.2007, which insisted on qualification of Higher Grade in



Binding for promotion to the post of Junior Foreman (Binding). Employees in the post of Senior Binder with trade certificate (I.T.I.) issued by the Department of Technical Education and National Apprenticeship Certificate/National Trade Certificate, which is requisite qualification for the post of Junior Binders, could not be considered for promotion to the post of Junior Foreman due to lack of Higher Grade in Binding. The certificate in Binding Higher Grade is issued by the Department of Government Examinations skill generated though the same is inadequate when compared with trade certificate in Binding, issued by the Department of Technical Education due to the fact that there is no separate course of material is granted by any of the institutions for the issuance of Higher Grade Certificate in Binding. The above certificate of higher grade in Binding is only meant for Mazdoors who have no adequate qualification in Book Binding for further promotion.

12. Mere possession of Higher Grade in Binding alone without completion of the regular course in Industrial Training Institute-ITI in Book Binding and NTC/NAC/ will not entitle a person to be recruited even to the post of Junior Binder. It is also submitted that the petitioners have passed the Higher Grade in Binding only after 2010, after the introduction of new rules vide G.O.Ms.No.471, Tamil Development and Information Department, dated 29.11.2007 and therefore, after the implementation of the New Pay Scale Rules w.e.f. 1.1.2006, there is no scale of pay provided for in new pay scale rules for Selection Grade/Special Grade and on advancement to Selection Grade/Special Grade, only 3%+3% pay and Grade shall be allowed.

13. It is submitted that after having considered the non-availability of promotion to the employees in the post of Senior Binders though they are otherwise fit for promotion to the post of Junior Foreman, by following the principles of Natural Justice in provision, promotion opportunity to the Senior Binder who have merit ability and seniority, the third respondent herein had sent a proposal, dated 14.11.2011 to the Government prescribing Trade certificate in Binding with NAC/NTC which is a higher qualification than the Higher Grade in Binding conducted by the Government Examinations Department and thus paying a way for the employees in the post of senior Binder who are seniors and have more merit and ability in binding to be promoted to the post of Junior Foreman.

14. The said Government Order in G.O.Ms.471 Tamil Development and Information Department, dated 29.11.2007 was challenged before this Court by way of writ petition in W.P(MD)No.13878 of 2011. This Hon'ble Court has directed the respondents to consider the representation of the petitioners to consider the post of Junior Foreman (Binding) with reference to the proposal sent to the Government for the promotion to the post, which prescribed either the Trade Certificate in Binding issued by the Department of



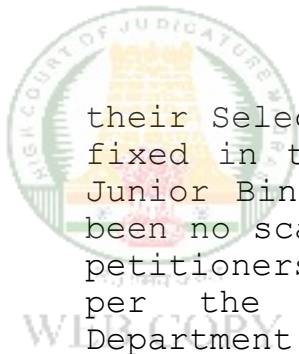
issued by the Department of Government Examination for promotion to the post of Junior Foreman (Binding).

15. In that case, the learned Additional Government Pleader further submitted before this Court that the petitioners representations will be considered and in the meanwhile, if the first respondent accepts the proposal sent by the second respondent, the case of the petitioner also would be considered on the basis of the implementation of the proposal by the first respondent. Thereafter, the case was considered and the proposals for amendment was already sent to the Government. The Government while introducing new scales of pay to the Government employees w.e.f.1.1.2006 in their letter No.63305/Pay Cell/2010-1, dated 08.11.2010 have issued revised orders introducing new scale of pay for the Selection Grade and Special Grade with necessary clarifications for fixing the pay in the said posts. In the said letter, it has been clarified that the methodology of selecting the scale of pay for Selection Grade and Special Grade shall be same as it was explained in G.O.Ms.No.162, Finance (PC) Department, dated 13.04.1998. Further, the restriction of pay to the pay of next promotional post has been introduced during 1989 itself. The Government while introducing new scales of pay to the Government employees w.e.f., 1.1.2006 in their letter No.63305/Pay Cell/2010-1 dated 08.11.2010 have issued clarification with regard to fixation of pay in the post of Selection Grade and Special Grade that "if the revised Selection Grade/Special Grade scales of pay indicated in the Annexure-I happens to be higher than the first level/second level promotional post, then in such cases only, the revised Selection Grade/Special Grade scales of pay should be restricted to the level of their first level and second level promotional post respectively.

16. In view of the above said clarification, the pay in Selection Grade in the post of Junior Binder should be restricted to the scale of pay of Senior Binder as the post of Senior Binder is the intermediate promotional post between Junior Binder and Junior Foreman. Therefore, the pay of Selection Grade Junior Binders, who have opted to come over to the new scale of pay introduced w.e.f.1.1.2006 have been fixed in the scale of pay applicable to Senior Binder. There is no deviation in fixation of pay of the Selection Grade Junior Binders and the pay has been fixed as per the guidelines issued by the Government. This restriction has been adopted from 1990 onwards. As per the new pay scale rules introduced w.e.f.1.1.2006, only 3% + 3% of Pay + Grade Pay is allowed while awarding Selection Grade/Special Grade in a post.

17. Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

18. It is seen from the records that the petitioners cannot
<https://hse.courts.gov.in/hse/cas> scale of pay as per the rules. The petitioners, who got



their Selection Grade during 2003 shall be entitled to get their pay fixed in the post of Senior Binder, the intermediary post between Junior Binder and Junior Foreman and after 01.01.2006 as there has been no scale of pay provided for Selection Grade/Special Grade, the petitioners are eligible for 3% + 3% of Basic Pay and Grade Pay as per the Government Order G.O.Ms.No.237, Finance (Pay Cell) Department 22.07.2013. The petitioners had acquired the requisite qualification only after 01.01.2006. Some of the petitioners have been promoted as Senior Binders on 26.02.2016 and 01.03.2016 and they are promoted and working as Senior Binders. The said G.O.Ms.No.471, Tamil Development, Religious Endowments and Information, which has to be issued on 29th November, 2007 and the same came into force from March 2008. As per the Government Order, the persons must have served for a period of not less than three years in the post of Top Senior Binder, must have served for a period of not less than three years in the post of Junior Binder. Must possess the appropriate Technical Trade Certificate from any of the institutions approved and recognized by the Government or must have put in the prescribed minimum period of apprenticeship under the Apprentices Act 1961. The 8th petitioner, who had possessed the qualification in the year 2002 and rest of the petitioners have passed between 2010-2011. That being the case, they cannot claim for revised scale of pay as a right from 2006 onwards. Since the qualification has to be taken from 2008 onwards. Hence, those persons, who are qualified in the year 2006 cannot claim the same salary parity. If at all they are eligible, it is only from they are possessing higher qualification Grade only, they will be get the same eligible. Therefore, for the year 2002, 2010 and 2011 the Government has passed appropriate orders regarding revision of pay as per the rules prevailing.

19. In view of the above, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

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To

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

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



2.The Secretary to Government,
Tamil Development & Information Department,
Secretariat,
Chennai-600 009.

3.The Director of Stationery & Printing,
No.110, Anna Salai,
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+1 CC to M/s.SPL.GP (SR-10130[F] dated 05/03/2020)

+5 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-10251[F] dated
05/03/2020)

W.P (MD) No.21132 of 2015
04.03.2020

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