



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.8789 of 2015

and

WMP (MD) Nos.13464 and 13875 of 2019

WEB COPY

V.Ramasamy

... Petitioner

-Vs-

1.The Agriculture Production Commissioner
and Secretary to Government,
Agriculture Department,
Secretariat,
St. George Fort, Chennai-9.

2.The Director of Agricultural,
Marketing and Agri Business,
CIPET Road,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai-32.

... Respondents

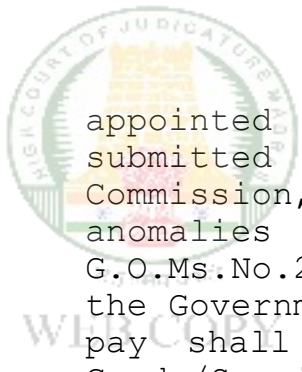
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pay the petitioner the 3% additional increment for Selection Grade over and above what he was receiving as basic pay and as Grade Pay by implanting the G.O. Ms. No. 237 Finance (Pay Cell) Department, dated 22.07.2013 along with a corresponding increase in the pension amount and retrial benefits along with 6% interest for the delayed period all from the notional benefit with effect from 01.01.2006 and the monetary benefit from 01.04.2013 to the petitioner within a time to be fixed by this Honourable Court.

For Petitioner	: Mr.P.Senthurpandian
For Respondents	: Mr.V.Anand
	Government Advocate

ORDER

The writ petition is filed seeking a direction to direct the respondents to pay 3% additional increment for Selection Grade over and above what the petitioner was receiving as basic pay and as Grade Pay by implanting the G.O. Ms. No. 237 Finance (Pay Cell) Department, dated 22.07.2013.

2.The Pay Commission was implemented in G.O.Ms.No.234, Finance Department, dated 01.01.2009. The revised scale of pay were granted to the Government employees with effect from 01.01.2006. Certain employees associations submitted representation to rectify certain anomalies in the pay structure. Thus, the Government



appointed One Man Commission to look into the anomalies and submitted a report. Pursuant to the report of the One Man Commission, Government issued various orders, rectifying the pay anomalies to the various categories of employees. As far as G.O.Ms.No.237, Finance Department, dated 22.07.2013 is concerned, the Government directed that one additional increment of 3% of basic pay shall be granted to the employees on award of Selection Grade/Special Grade in the revised scale of pay. The anomaly was considered by the One Man Commission with reference to the pre-revised scale of pay. If the selection grade is granted after 01.01.2006, it is needless to state that the Selection Grade Pay of the respective employee would be fixed in the revised scale of pay as per G.O.Ms.No.234. In other words, an employee who was awarded Selection Grade after 01.01.2006 would be getting the higher scale of pay in the revised scale of pay. Therefore, there is no question of anomaly as far as those employees are concerned. The anomaly would arise only in respect of the revised scale of pay with reference to the pre-revised scale of pay. In other words, if an employee was awarded Selection Grade prior to 01.01.2006, the revised scale of pay is not beneficial to such employee. Then, it can be construed as an anomaly. Such anomaly is directed to be rectified by the Government and accordingly 3% of basic pay was granted in order to increase the pay in the revised scale of pay. As far as the persons awarded Selection Grade prior to 01.01.2006 is concerned, they cannot be said to be an aggrieved person as they have been moved to the revised scale of pay after 01.01.2006 itself.

3.The counter filed by the respondents clearly states that the petitioner was already sanctioned one increment at the rate of 3% of basic pay on promotion and one increment at the rate of 3% of basic pay as stagnation increment. Therefore, the employees are not entitled for the second additional increment ordered in G.O.Ms.No.237, Finance (Pay Cell) Department, dated 22.07.2013. In this regard, Paragraph No.6 of the counter is relevant, which is extracted hereunder:-

"...6.With regard to para 7, 8 and 9 it is submitted that Government have issued clarification vide letter No.21508/PC-II/2017, Finance Department, dated 09.06.2017 the employees drawing Grade Pay of Rs.6600 and above in the Ordinary Grade alone shall be granted one stagnation increment only on completion of every 10 years of service at the rate of 3% of basic pay including Grade Pay. Further it is has been informed that the employees drawing Grade Pay of Rs.6600/- in Selection Grade of Rs.6600/- in Selection Grade / Special Grade of the Higher Post by counting the services rendered by them in the lower post on identical scales of pay between 01.01.2006 and 31.05.2009 are entitled for one increment at the rate of 3% of basic pay on promotion and one



increment at the date of 3% of basic pay as stagnation increment and these categories of employees are not entitled for the second additional increment order in G.O.Ms.No.237, Finance (Pay Cell) Department, dated 22.07.2013 for regular Selection Grade/Special Grade holders who complete 10/20 years of service in the same post. Hence, the petitioner is not entitled for additional 3% increment. As he is not eligible to get additional 3% increment, the question of claiming interest for additional increment does not arise."

4.In view of the facts and circumstances, the grounds raised by the writ petitioner regarding pay anomaly is already redressed and sanction in favour of the petitioner is in consonance with the Government order issued in G.O.Ms.No.237, dated 22.07.2013 and therefore, the petitioner is not entitled for any further relief.

5.Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Agriculture Production Commissioner
and Secretary to Government,
Agriculture Department,
Secretariat,
St. George Fort, Chennai-9.

2.The Director of Agricultural,
Marketing and Agri Business,
CIPET Road,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai-32.

+1 CC to M/s.P.SENTHUR PANDIAN, Advocate (SR-24702[F] dated 09/12/2020)

+1 CC to M/s.SPL GP (SR-24893[F] dated 10/12/2020)

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KB (30.12.2020) 3P 5C