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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.4389 of 2015

P.Rajendran

... Petitioner

Vs

1. The Director of Family Health and Rural Services,
Teynampet, Chennai - 600 018
2. The Joint Director,
Department of Family and Health and Rural Services,
Perambalur.
3. The Superintendent,
Government Hospital (Head Quarters),
Ariyalur, Perambalur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India 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 Tamilnadu Revised Scales of Pay Rules 1998 at Rs.5000-8000/- and Rs.5500-9000/- respectively to the petitioner from 1/1/96 with all consequential monetary benefits and to revise the Pensionary benefits and pay all arrears within the stipulated time as that may be fixed by this Honourable High Court.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.S.Thangavel, Spl. GP

ORDER

The relief sought for in this writ petition is to direct the respondents to implement the Selection Grade and Special Grade Scale of Pay as indicated in Schedule-II of Tamilnadu Revised Scales of Pay Rules 1998 at Rs.5000-8000/- and Rs.5500-9000/- respectively to the petitioner from 1/1/96 with all consequential monetary benefits and to revise the Pensionary



benefits and pay all arrears within a time frame to be stipulated by this Court.

2. According to the petitioner, he is a retired driver having worked in various Government Departments and completed 20 years of service, he is entitled to selection grade and special grade scales of pay as indicated in Schedule -II of Tamil Nadu Revised Scales of Pay Rules, 1998 at Rs.5000-8000/- and Rs.5500-9000/- respectively from 01.01.1996 with all consequential benefits. However, despite his representation dated 19.01.2015, the petitioner was not conferred with the said benefits. Hence, this writ petition.

3. The learned counsel for the petitioner submitted that the issue involved in the present writ petition has already been decided in favour of the petitioner, vide order dated 01.08.2012 in WP.No.18931 of 2012. Hence, he prayed for similar order in this writ petition as well.

4. Per contra, the learned Special Government Pleader appearing for the respondents submitted that the orders passed in the similar writ petitions came to be challenged by the Government / Departments in WA.No.1398 of 2013 etc. batch and a Division Bench of this Court. by a detailed judgment dated 08.07.2015 (reported in 2015(4) CTC 241 Director of Sericulture Department Salem and others Vs K.Kumar and Others) having considered the various contentions raised by all the parties and the orders passed by the learned Single Judges of this Court in the respective writ petitions, allowed those writ appeals, in the following terms:

"42. Therefore, in the result, all the writ petitions filed by the individual employees claiming Selection Grade scale of pay of Rs.5000-8000 and Special Grade pay scale of Rs.5500-9000 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.4000-6000 and Rs.4300-6000 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.4000-100-6000 and a Special Grade scale of pay of Rs.4300-100-6000, but not more than that, all the writ petitions filed by the employees



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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".

Therefore, the learned counsel submitted that the petitioner is not entitled for the selection Grade and Special Grade of pay as per the Tamil Nadu Revised Scales of Pay Rules, 1998.

5. After going through the aforesaid decision of the Division Bench of this Court, the learned counsel for the petitioner fairly conceded the same.

6. Following the judgment of the Division Bench of this Court (cited supra), this Court is of the opinion that the relief sought in this writ petition cannot be granted. Hence, this writ petition is also disposed of on the same lines as indicated in the above judgement dated 08.07.2015 passed in W.A.No.1398 of 2013 etc. batch. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

MTL

To

1. The Director of Family Health and Rural Services,
Teynampet, Chennai - 600 018
2. The Joint Director,
Department of Family and Health and Rural Services,
Perambalur.
3. The Superintendent,
Government Hospital (Head Quarters),
Ariyalur, Perambalur District.

+1cc to Mr.N. UMAPATHI, Advocate, S.R.No.18078

+1cc to the Government Pleader, S.R.No.18632

W.P.No.4389 of 2015

SR II (CO)

BE(19/07/2021)