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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.39355 to 39357 of 2016

and

W.M.P.Nos.33675 to 33677 of 2016

Vimali Thiagaraja ... Petitioner in W.P.No.39355 of 2016

Lakshmi Balasubramanian ... Petitioner in W.P.No.39356 of 2016

V.Geetha Lakshmi ... Petitioner in W.P.No.39357 of 2016

Vs.

1.The State of Tamil Nadu
Rep by its Secretary,
Home (Police 18) Department,
Fort St.George, Chennai - 600 009.

2.The Director,
Forensic Science Laboratory,
30-A, Kamaraj Salai, Mylapore,
Chennai - 600 004.

3.The Secretary,
Tamilnadu Public Service Commission,
Frazer Bridge Road, Park Town,
Chennai - 600 003.

...Respondents in all W.Ps

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for records relating to 2nd respondents order made in Na.Ka. No.A5/ 32449/ 2014 dated 05.04.2014 to quash the same and consequently direct the 1st & 2nd respondents to forthwith extend the benefits of selection grade pay in the post of Scientific Officer with effect from 04.09.2010, 27.09.2009 and 26.09.2009 respectively as per G.O.Ms. No.237 Finance (Pay Cell) Department dated 22.7.2013 fixing the increment 3% + 3% on (Pay + Grade Pay) and accordingly to fix the pay in the post of Assistant Director Forensic Science Department with consequential revision and re-fixation in pension and other pensionary benefits.



In all W.Ps :

For Petitioners	: Mr.L.Chandrakumar
For R1 & R2	: Mr.J.Ramesh, AGP
For R3	: Mr.Karthik Raja

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COMMON ORDER

Heard both sides and perused the records.

2.The relief sought for in this writ petition is to call for the records relating to the order passed by the 2nd respondent in Na.Ka.No.A5/ 32449/ 2014 dated 05.04.2014 to quash the same and consequently direct the 1st & 2nd respondents to forthwith extend the benefits of selection grade pay in the post of Scientific Officer with effect from 04.09.2010, 27.09.2009 and 26.09.2009 respectively as per G.O.Ms.No.237 Finance (Pay Cell) Department dated 22.07.2013 fixing the increment at 3% + 3% on Pay + Grade Pay and accordingly fix the pay in the post of Assistant Director, Forensic Science Department with consequential revision and re-fixation in pension and other benefits.

3.According to the petitioners, they were appointed as Scientific Assistant Grade -II in the 2nd respondent Forensic Department and they were promoted as Scientific Officer during 1999-2000 and they continued to work in the said post nearly for a period of 13 years and thereafter, only in the year 2013, they were further promoted as Assistant Director. It is the grievance of the petitioners that since they have rendered more than 10 years of service in the post of Scientific Officer, they are entitled for the benefit of selection grade pay in the said post, however, the said claim was rejected by the second respondent, by the orders impugned herein. Hence, these writ petitions.

4.Upon notice, the respondents 1 & 2 filed separate counter affidavits in these writ petitions, wherein it is inter alia stated that though the petitioners were promoted to the post of Scientific officer by recruitment by transfer for the year 1999-2000, the then existing seniority list of Scientific Assistant Grade -I based on which the panels were prepared, were set aside by the Tribunal in O.A.No.443 of 1999 and others; the said order was upheld by the Division Bench of this Court in its common order dated 28.01.2009 in WP.No.12751 of 2004 etc. batch against the revised seniority list of Scientific Assistant Grade I issued by the Directorate during 2006; the review application nos.41 to 44 of 2009, filed by the petitioners and others to review the said order passed by the Division Bench, were also dismissed by this Court, by order dated 22.03.2010; as such, the



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erstwhile seniority list and the panels in which the petitioners and others were included for the post of Scientific Officer from the year 1996-97, have to be redrawn. It is ultimately stated in paragraph 9 of the counter affidavit that the feasibility or non-feasibility of granting selection grade pay to the petitioner as per G.O.Ms.No.68, P&AR Department, dated 23.01.1986 and G.O.Ms.No.237 Finance (PC) Department, dated 22.07.2013 can be considered only after the re-drawal of the panel of Scientific Assistant Grade -I fit for promotion as Scientific Officer for the years from 1996-97 to 2007-2008 based on the order of the Tribunal in OA.No,443/1999 and others dated 09.12.2003 and the Division Bench of this Court in WP.No.12751/2004 and 23 others dated 28.01.2009, in consultation with the TNPSC.

5.In the light of the averments so made in paragraph 9 of the counter affidavit and as submitted by the learned Additional Government Pleader appearing for the respondents 1 and 2 that the respondent authorities would reconsider the claim of the petitioners on merits, as the petitioners have rendered more than 10 years of service, in the post of Scientific Officer, this Court is inclined to set aside the orders impugned herein.

6.Accordingly, the impugned orders are set aside and the matter is remitted back to the second respondent for fresh consideration, on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of copy of this order.

7.With the above direction, these writ petitions are disposed of.No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar(CS-VIII)

True Copy

Sub-Assistant Registrar

mtl

To

1.The Secretary to Government,
Home (Police 18) Department,
Fort St. George, Chennai - 600 009.

2.The Director,
Forensic Science Laboratory,
30-A, Kamaraj Salai, Mylapore,
Chennai - 600 004.



3.The Secretary,
Tamilnadu Public Service Commission,
Frazer Bridge Road, Park Town,
Chennai - 600 003.

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+3 Ccs to Mr.L.Chandrakumar, Advocate sr 19684, 19685, 19686
+1 CC to The Government Pleader sr 20166.

W.P.No.39355 to 39357 of 2016

PL(CO)
SP(22/07/2021)