

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.01.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.7548 of 2014

1.S.Veeramuthu
2.D.Selvam
3.M.Natarajan
4.R.Ramanujam

... Petitioners

Vs

1.The Directorate of Public Health
and Preventive Medicines,
Teynampet,
Chennai - 600 006.

2. The Director of Medical Services,
Teynampet,
Chennai - 60 006.

3.The Deputy Director of Health Services,
Beach Road,
Cuddalore - 607 001.

4.The Joint Director of Family Welfare,
Cuddalore,
Cuddalore District.

5. The Medical Officer,
Government Primary Health Centre,
Orathur,
Cuddalore District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to implement the Ordinary Grade, 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.4000-6000, Rs.5000-8000 and Rs.5500-9000 respectively to the petitioners Drivers from the respective dates of completion of 10 years of service in the ordinary Grade and 10 years in the Selection Grade, with all consequential monetary benefits pay all arrears within a stipulated time fixed by this Court.

For Petitioners

: Mr.M.Ravi

For Respondents

: Mr.A.N.Thambidurai, SGP

ORDER

Heard both sides and perused the materials available on record.

2.The prayer made in this writ petition is to direct the respondents to implement the Ordinary Grade, Selection Grade and Special Grade Scales of Pay as indicated in Schedule-II of the Tamil Nadu Revised Scales of Pay Rules, 1998 at Rs.4000-6000, Rs.5000-8000 and Rs.5500-9000 respectively to the petitioners from their respective dates of completion of 10 years of service in the ordinary Grade and 10 years in the Selection Grade, with all consequential monetary benefits and to pay arrears within a stipulated time fixed by this Court.

3.According to the petitioners, they entered into service as drivers on 28.03.1989, 21.06.1991, 11.10.1979 and 06.07.1987 respectively. As per G.O.Ms.No.162, Finance (PC) Department dated 13.04.1998, they are entitled to get selection grade scale of pay at Rs.5000-8000 and special grade scale of pay at Rs.5500-9000 on completion of 10 years and 20 years of service respectively. In this regard, they submitted a representation dated 03.06.2013 to the respondents. However, the same was not considered. Hence, this writ petition.

4.Upon notice, the respondents filed a detailed counter affidavit, wherein, in paragraph 19, it was averred as follows:

"19. It is also submitted that the Hon'ble High Court Division Bench in its order dated 08.07.2015 in W.A.Nos.1392 of 2013 and W.P.Nos.23550 of 2010 and other batch cases filed by the Drivers contesting G.O.Ms.No.162, Finance(Pay Cell) Department, dated 13.04.1998 to grant Selection Grade/Special Grade at Rs.5000-8000 and Rs.5500-9000 to the Drivers, have been dismissed by the Davison Bench with a direction that the petitioners therein are only entitled for Selection Grade/Special Grade scales of pay at Rs.4000-6000 and Rs.4300-6000 as against the Ordinary Grade pay scale of Rs.3200-4900. Accordingly all Writ Appeals filed by Government Departments/Local Bodies were allowed and all Writ Petitions filed by petitioners were dismissed."

5. It is seen from the aforesaid averments made in the counter affidavit filed by the respondents that the issue involved herein has already been decided against the petitioners by the Division Bench of this Court. Such being the position, this Court has no other option except to follow the decision rendered by the Division Bench.

6. Accordingly, this writ petition stands dismissed. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/
Sub Asst. Registrar

msv

To

1.The Directorate of Public Health
and Preventive Medicines,
Teynampet, Chennai - 600 006.

2. The Director of Medical Services,
Teynampet, Chennai - 60 006.

3.The Deputy Director of Health Services,
Beach Road, Cuddalore - 607 001.

4.The Joint Director of Family Welfare,
Cuddalore, Cuddalore District.

5. The Medical Officer,
Government Primary Health Centre,
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Cuddalore District.

+1 cc to the Government Pleader sr909

W.P.No.7548 of 2014

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