



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 12762 of 2013

M.Palanivel

... Petitioner

-vs-

1. The Assistant Commissioner (Excise),
Ramanathapuram.

2. The Hozur Treasury Officer,
Hozur Treasury,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing 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 Petitioner 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 and also pay all arrears within a stipulated time period.

For Petitioner : Mr. M. Ravi

For Respondents : Mr. D. Gandhiraj

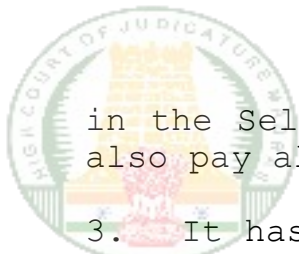
Counsel for Government of Tamil Nadu

O R D E R

(through video conference)

Heard Mr. M.Ravi, Learned Counsel for the Petitioner and Mr. D.Gandhiraj, Learned Counsel representing the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition seeks for direction to 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 Petitioner 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 and also pay all arrears within a stipulated time period.

3. It has been brought to notice that the Hon'ble Supreme Court of India in **P.Singaravelan -vs- District Collector, Tiruppur** [(2020) 3 SCC 133] has considered the same issue extensively in respect of persons similarly placed to the Petitioner as follows:-

"29. As discussed supra, it has not been disputed before us that the drivers concerned were not entitled to any promotional avenues. Thus, it is evident that the High Court rightly concluded that the drivers were entitled to the full benefits of the appropriate pay scale under Schedule II of the 1998 Rules. However, in light of our foregoing finding that persons employed in the post of drivers in various departments in the Government of Tamil Nadu are only entitled to Ordinary, Selection and Special Grade pay scales in terms of Serial No. 6 of Schedule II of the 1998 Rules, i.e. at Rs. 3200-4900, Rs. 4000-6000 and Rs. 4300-6000 respectively, we have no hesitation to hold that the High Court erred in directing fixation of such pay scales to drivers employed at the High Court in terms of Serial No. 8 of the Schedule II, fixing Selection Grade and Special Grade scales of pay of Rs. 5000-8000 and Rs. 5500-9000 respectively.

30. The appeals are therefore allowed partly, to the extent that the State Government is directed to fix the pay scale benefits available to the Respondents in the instant appeals in terms of Serial No. 6 of Schedule II of the 1998 Rules under G.O. Ms. No. 162."

In view of the aforesaid binding ruling, the only relief that the Petitioner is entitled is that his pay scale has to be fixed in terms of Serial No. 6 of Schedule II of the 1998 Rules and no other relief as claimed can be granted to him.

In fine, the Writ Petition is disposed on the aforesaid terms. No costs.

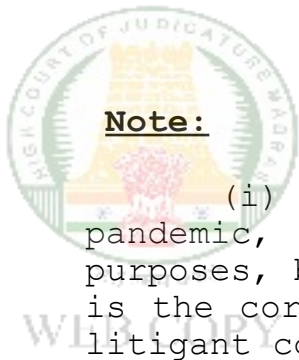
Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note:

(i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Assistant Commissioner (Excise),
Ramanathapuram.
2. The Hozur Treasury Officer,
Hozur Treasury,
Ramanathapuram.

W.P. (MD) No. 12762 of 2013
25.06.2021

GC (16/08/2021) 3P 3C