



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 16.03.2021**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P. (MD)Nos.17384 and 17385 of 2017**

Shanmugavelu ... Petitioner in W.P.(MD)No.17384/2017

M.Muthu Kannan ... Petitioner in W.P.(MD)No.17385/2017

**Vs.**

1.The Finance (Pay Cell) Department Rep.by  
The Principal Secretary to Government of Tamil Nadu,  
St.George Fort, Chennai-600 009.

2.Tamil Nadu Fire and Rescue Services Department,  
Rep.by the Secretary to Government of Tamil Nadu,  
St.George Fort, Chennai-9.

3.The Pension Payment Officer,  
Chennai-600 006.

4.The Accountant General (AE),  
Government of Tamil Nadu,  
Chennai-18.

5.The Divisional Officer,  
Fire and Rescue Services,  
Ramanathapuram Division,  
Ramanathapuram District.

...Respondents in Both WP's

**COMMON PRAYER:** Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pay the revised pension for the petitioners by calculating the pay fixation as 9300-34800-4200 as per the G.O.Ms.No.234, passed by the first respondent dated 01.06.2009 and may consequently direct the respondents 3 and 4 to disburse the pensional benefits to the petitioners with accrued arrears from 01.01.2007.

**In both petitions:-**

For Petitioners : Mr.K.P.Narayanakumar



For R1 to R3 & R5 : Mr.M.Muthugeethaiyan  
Special Government Pleader  
For R4 : Mr.P.Gunasekaran

**C O M M O N O R D E R**

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These writ petitions have been filed for a direction to the respondents to pay the revised pension to the petitioners, by calculating the pay fixation as 9300-34800-4200, as per G.O.(Ms). No.234, passed by the first respondent, dated 01.06.2009 and consequently, direct the respondents 3 and 4 to disburse the pensionary benefits to the petitioners with accrued arrears from 01.01.2007.

2. The case of the petitioners is that they were appointed as Fireman on 01.06.1977 and 24.06.1975 respectively and subsequently, they were promoted as Fireman Driver. Further, the petitioners are eligible to receive selection grade pay, after completion of 10 years and special grade pay, after completion of 20 years of service. While so, the first respondent has passed G.O.(Ms).No.234, dated 01.06.2009 and thereby revised the pay scale of the Government servants in the State of Tamil Nadu. The said G.O. is silent regarding the pay scale of drivers and other low profile category. So, to rectify the anomalies, the Government appointed the one man commission and upon the recommendation of one man commission, the Principal Secretary attached to the first respondent has circulated a Letter dated 08.11.2010 and accordingly, guidelines were framed for revised selection grade and special grade pay in whose case ordinary grade scales of pay have been revised. Further, the first respondent issued G.O.(Ms).No.65, dated 26.02.2011, fixing the pay of ordinary grade against the category like the petitioners as 5200 -20200+2400 (grade pay) for Selection Grade 9300 -34800 + 4200 and for Special Grade 9300 -34800 + 4400. Thus, the petitioners are entitled to receive the benefits, because they have attained the selection grade even before 01.01.2006 and this aspect has been clarified in the letter of Additional Secretary under the first respondent, dated 14.03.2011. In order to avail such a benefit, the petitioners have made a representation to the fifth respondent, by registered post on 18.08.2017. But till date no order was passed. Hence, the petitioners have approached this Court by filing these writ petitions.

3. The learned Special Government Pleader appearing for the respondents 1 to 3 and 5 would submit that during the pendency of these writ petitions, the petitioners were paid the revision of pay, as per G.O.(Ms).Nos.348 and 303, on 09.11.2018.

4. Since the revision of pay was paid in favour of the petitioners, no further adjudication is required in these writ petitions. Hence, these writ petitions are disposed of. However, if the petitioners are aggrieved by the revised pay, liberty is granted



to the petitioners to work out the remedy, in the manner known to law. No costs.

Sd/-

Assistant Registrar (CSIII)

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/ /2021

Sub Assistant Registrar(CS)

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To

- 1.The Finance (Pay Cell) Department Rep.by  
The Principal Secretary to Government of Tamil Nadu,  
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- 2.Tamil Nadu Fire and Rescue Services Department,  
Rep.by the Secretary to Government of Tamil Nadu,  
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- 3.The Pension Payment Officer,  
Chennai-600 006.
- 4.The Accountant General (AE),  
Government of Tamil Nadu,  
Chennai-18.
- 5.The Divisional Officer,  
Fire and Rescue Services,  
Ramanathapuram Division,  
Ramanathapuram District.

+1 CC to M/s.SPL GP ( SR-11862[F] dated 17/03/2021 )

+1 CC to M/s.A.BALAKRISHNAN, Advocate ( SR-12273[F] dated 18/03/2021 )

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KB(23.06.2021) 3P 8C