



WEB COPY



W.P. Nos.3372 and 3373 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

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THE HON'BLE MR.JUSTICE **M.S.RAMESH**

W.P. Nos.3372 and 3373 of 2015
and M.P. Nos.1 & 1 of 2015

S.Pavun Raj .. Petitioner in W.P. No.3372 of 2015

R.Murugesan .. Petitioner in W.P. No.3373 of 2015

Vs

1.The Joint Secretary to Finance Department,
Fort St. George,
Chennai-9.

2.The Additional Director General of Prisons,
Chennai-600 008. .. Respondents 1 and 2 in both W.Ps

3.The Superintendent of Prison,
Central Prison,
Coimbatore – 18. .. 3rd respondent in W.P. No.3372 of 2015

3.The Superintendent of Prison,
Open Air Jail,
Singanallur,
Coimbatore. .. 3rd respondent in W.P. No.3373 of 2015

Prayer in W.P. No.3372 of 2015: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records relating to the orders of the first respondent dated 08.01.2014 issued in letter No.70102/Pay cell/2013-3 and quash the same and consequently to direct the respondents to fix the pay scale to the petitioner on par with



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Weaving Jobber retrospectively and consequently to pay the arrears arising out of such re-fixation.

Prayer in W.P. No.3373 of 2015: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records relating to the orders of the first respondent dated 08.01.2014 issued in letter No.70102/Pay cell/2013-4 and quash the same and consequently to direct the respondents to revise and fix the pay scale to the petitioner on par with Weaving Jobber retrospectively and consequently to pay the arrears arising out of such re-fixation within the prescribed time.

For Petitioner in both W.Ps : Mr.S.P.I.Thirumoorthy

For Respondents in both W.Ps: Mr.V.Ravi,
Special Government Pleader
for R1

Mrs.P.Rajarajeswari,
Government Advocate
for R2 and R3

COMMON ORDER

These petitions have been filed by the petitioners, challenging the Letter Nos.70102/Pay cell/2013-3 and 4 respectively, dated 08.01.2014, addressed by the first respondent herein and seeking for a direction to the respondents to fix the pay scale on par with the scale of Weaving Jobber retrospectively and to pay the arrears arising out of such re-fixation.

2.The petitioners herein were appointed as Motor Attendants



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and receiving the pay scale of Rs.5200-20200 + Grade pay of Rs.1,900/-. By citing the pay scale of similar category of 'Weaving Jobber' whose basic pay is in the scale of Rs.5200-20200 + Grade pay of Rs.2,400/-, they seek enhancement of the grade pay from Rs.1,900/- to Rs.2,400/-. The Superintendent of Prison had also made a favourable recommendation for enhancement of the grade pay from Rs.1,900/- to Rs.2,400/- to the Additional Director General of Prisons through his Proceedings No.2017/MA1/13, dated 09.12.2013.

3.In similar circumstances, in the case of the post of Junior Inspector of Sericulture, the Government through the G.O. Ms. No.44 Finance (Pay Cell) Department dated 18.02.2014, had considered the fact that the Junior Inspectors of Sericulture are enjoying parity with the Junior Assistant and other similarly placed categories, such as Village Administrative Officers and Drivers in the same scale of pay and thereby stepped up grade pay from Rs.2,000/- to Rs.2,400/- notionally.

4.The petitioners' request for stepping up the grade pay on par with the post of Weaving Jobber has been rejected by the



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Government stating that it is a policy decision of the Government to enhance the grade pay and therefore, the request cannot be considered. When similarly placed posts have been taken on par and the post receiving a lesser grade pay has been stepped up, more particularly, when the Superintendent of Prisons had favourably recommended for stepping up of the grade pay, it would be appropriate that the request of the petitioners herein for enhancement of the grade pay is also favourably considered.

5.In the light of the above observations, the petitioners are granted liberty to give an appropriate representation to the Government/first respondent herein seeking for enhancement of the grade pay, on par with the post of Weaving Jobber in the Prison Department and on receipt of the representation, the first respondent herein shall pass appropriate orders in the light of the observations made in this order, within a period of three months from the date of receipt of a copy of this order. Accordingly, the writ petitions stand disposed of. Consequently, connected M.Ps. are closed. No costs.

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Index : Yes
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To

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M.S.RAMESH,J.

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