



WEB COPY



WP No.40085 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-11-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.40085 of 2016

Anaithu Mavatta Aasiriyar Kalvi
Matrum Payirchi Niruvana
Kalviyalargal Sangam,
Represented by its General Secretary
K.Prakash, 181, Ganapathy Nagar,
Thiruvanaikkaval,
Trichy-5. ..

Petitioner

vs.

1.The Government of Tamil Nadu,
Represented by the Principal Secretary
to the Government,
Finance Department,
Fort St. George,
Chennai – 600 009.

2.The Secretary to the Government,
School Education Department,
Fort St. George,
Chennai – 600 009.

3.The Director,
State Council of Educational
Research and Training (SCERT),
College Road, Chennai-6. ..

Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in relation to the G.O.Ms.No.263, Finance (Pay Cell) Department, dated 22.07.2013 and quash the same in so far as it gives monetary benefit from 01.04.2013 and the members of our Association are concerned in so far respectively and issue a consequential direction to the respondents to grant monetary benefit of the scale of pay of Rs.9300-34800+4800 grade pay and the scale of pay of Rs.15600-39100+5700 grade pay to the members of our Association from 01.01.2011 as per the G.O.Ms.No.23 dated 12.01.2011.

For Petitioner : Ms.K.Dheepakshi for
Mr.S.Manoharan.

For Respondents : Ms.S.Mythreye Chandru,
Special Government pleader.

O R D E R

The writ petitioner is 'Anaithu Mavatta Aasiriyar Kalvi Matrum Payirchi Niruvana Kalviyalargal Sangam'.

2. The petitioner challenged the validity of G.O.Ms.No.263, Finance (Pay Cell) Department, dated 22.07.2013 and claims that the monetary benefits granted in the said Government Order is to be given



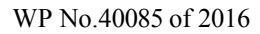
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retrospectively.

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3. The Government Order impugned dated 22.07.2013 issued in G.O.Ms.No.263 reveals that it is a revised scale of pay, 2009 issued for various categories in Government Departments. The Government Order was issued in implementation of the recommendations of the Pay Grievances Redressal Cell. The order unambiguously stipulates that the revision of scale of pay ordered in the said Government Order in G.O.Ms.No.263 shall take notional effect from 01.01.2006 for the purpose of fixation of pay in the revised scale of pay with the monetary benefit from 01.04.2013. The cut off date for monetary benefit fixed by the Government is sought to be quashed in the present writ petition.

4. The Government Order was issued rectification of anomaly and based on the recommendations of Pay Grievances Redressal Cell. While redressing the grievances, the Government took a policy decision and granted the monetary benefits with effect from 01.04.2013, considering the financial constraints. Such a policy decision took by the Government cannot



under Article 226 of the Constitution of India.



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monetary benefits, pursuant to the Pay Commission orders or the revision or otherwise, is already upheld by the Constitutional Courts across the country.

8. This being the factum, the petitioner has not established any acceptable reason for the purpose of interfering with the Government Order impugned in the present writ petition.

9. Consequently, the writ petition stands dismissed. However, there shall be no order as to costs.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

Svn

To

1. The Principal Secretary to the Government,
Government of Tamil Nadu,
Finance Department,
Fort St. George,
Chennai – 600 009.

S.M.SUBRAMANIAM, J.

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2.The Secretary to the Government,
School Education Department,
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3.The Director,
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