



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-06-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No. 4322 of 2014

1.Muthuraman

2.D.Thangaraj

3.P.Muthiyan

4.P.Sivakumar

5.S.Kaliappan

...Petitioners

vs.

The District Collector,
Perambalur - 621 212,
Perambalur District.

..Respondent

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 on the file of the respondent relating to his order in Pro.Rc.No.3577/2013/PA.6 dated 05.07.2013, to quash and quash the same and to consequential directions to the rspondent to implement the Ordinary / Selection Grades Scales of Pay in the case of the petitioners as indicated in Schedule II of the Tamil Nadu Revised Pay Scales Rules 1998 at Rs.4,000-6,000 and Rs.5,000-8,000 from the respective dates of their initial appointment and from the date of completion of ten years of service in the Ordinary Grade respectively and disburse the consequential monetary benefits.

For Petitioners : Mr.I.Kabilan for
Mr.M.Ravi

For Respondent : Mr.M.Bindran,
Additional Government Pleader.

O R D E R

The order impugned rejecting the claim of the petitioners for grant of Special Grade in the category of Driver, is under challenge in the present writ petition.

2.The petitioners are Drivers from the Office of the Assistant Executive Engineer, Sub-Division, Block Development Office, Union Office, Mahalir Thittam Collectorate Project



Officer, Rural Development and Panchayat Office, Perambalur.

3. The grievances of the petitioners are that the enhanced selection grade scale of pay as indicated in Schedule-II of the Tamil Nadu Revised Scale of Pay Rules, 1998, with all consequential monetary benefits were not granted and hence, the petitioners have submitted a representation to the Authority concerned, who in turn rejected the case. Thus, the petitioners are constrained to move the present writ petition.

4. The learned counsel for the petitioner mainly contended that as per G.O.Ms.No.162, Finance (Pay Cell) Department, dated 13.04.1998, the petitioners are entitled for selection grade scale of pay and special grade scale of pay, as there is no avenue for promotion to the post of Driver. Accordingly, the learned counsel for the petitioners stated that the petitioners are entitled for special grade for Rs.5,500-9,000. In view of the fact that the claim of the petitioners in accordance with Government Order issued in G.O.Ms.No.162, dated 13.04.1998, was not granted, they have chosen to file the present writ petition.

5. The learned Additional Government Pleader appearing on behalf of the respondent opposed the contentions raised by the learned counsel for the petitioners by stating that the case of petitioners was not considered for grant of selection grade in accordance with the Government Order issued in G.O.Ms.No.162, dated 13.04.1998. Subsequently, as per Tamil Nadu Revised Scale of Pay Rules, 2009, issued in G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009, the revision was effected in favour of the petitioners.

6. Admittedly, there is no promotional avenue for the post of Driver and therefore, the petitioners are eligible for the benefit of selection grade and special grade as indicated in the Government Order. As per Schedule II of the Tamil Nadu Revised Scale of Pay Rules, 1998 notified in G.O.Ms.No.162, dated 13.04.1998, in respect of ordinary grade scale of pay of Rs.3,200-85-6,900 corresponding selection grade scale of pay of Rs.4,000-100-6,000. The petitioners had completed their 10 years of service and accordingly awarded selection grade on or before 31.05.2009. The selection grade pay was fixed as per Schedule-II of G.O.Ms.No.162, dated 13.04.1998. However, the petitioners have completed their 10 years of service, moved to the selection grade after 31.05.2009 and selection grade pay has been fixed to them by granting 6% benefit as per G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009 and G.O.Ms.No.237, Finance (Pay Cell) Department, dated 22.07.2013.

7. In view of the fact that further benefits were also extended to the petitioners in the revised Tamil Nadu Scale of



Pay Rules, 2009 and their pay was fixed in accordance with the revised Revised Scale of Pay Rules, there is no reason to grant further revision or any other benefits in accordance with the Government Order issued in G.O.Ms.No.162, dated 13.04.1998. That apart, further revisions were also effected pursuant to the subsequent Pay Commissions.

8. This being the factum, the petitioners are not entitled to claim any benefit as per the Government Order issued in G.O.Ms.No.162, dated 13.04.1998, as the said benefits were implemented by the respondent during the relevant point of time. If any other benefit exists in between the subsequent revision of pay or otherwise, the petitioners have to approach the Competent Authority for the purpose of redressal of their grievances in the manner known to law.

9. With the abovesaid observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Svn

To

The District Collector,
Perambalur - 621 212,
Perambalur District.

+1cc to the Government Pleader, S.R.No.35882

WP 4322 of 2014

SR(CO)
RGA(27/06/2022)