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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5517 of 2014

C.Thangamuthu

...Petitioner

Vs.

1. The Principal Accountant General
(Accounts & Entitlements)
Tamil Nadu, Rep.by its Branch Officer,
Office of the Principal Accountant General
(Accounts & Entitlements), Tamil Nadu
No.361, Anna Salai, Chennai - 600 018.

2. The District Forest Officer,
Office of the District Forest Officer,
Chengalpattu Division,
No.5/9, Varadharajan Farm,
Vandavasi Road, Kancheepuram - 631 501.

..Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling the records of the 1st respondent in his processing No.P21/ 12105525/ 2/ PPO No.R2105525/FOR dated 13.06.2012, quash the same and direct the 1st respondent to sanction the pension on the basic pay of the petitioner of Rs.31140/- as fixed by the Government and received by the petitioner till he attain the age of Superannuation.

For Petitioner : M/s.Reena Mohanasundaram
For M/s.Deva Dason and Sagar (Firm)

For Respondents

R1 : Mrs.Hema Murali Krishnan

R2 : Mr.M.Bindran
Additional Government Pleader



ORDER

The order passed by the first respondent / The Principal Accountant General in proceedings dated 13.06.2012 is sought to be quashed in the present writ petition. Further, a direction is sought for to direct the 1st respondent to sanction the pension on the Basic Pay of the petitioner of Rs.31,140/- as fixed by the Government and received by the petitioner till he attain the age of Superannuation.

2. The petitioner joined in service as Forester and promoted as Forest Range Officer on 08.10.2009. The Special Grade was awarded in the Post of Forester and the Scale of Pay as applicable was fixed as Rs.6,700/- + 175 personal pay. Accordingly, the petitioner was drawing the Basic Pay of Rs.7500+175 personal pay on 31.12.2005. The petitioner states that the revised Scale of Pay Rules 2009 was implemented with effect from 01.01.2006 as per GO.MS.No.234/Finance/pay cell/Department dated 01.06.2009. As per the above Government Order, the Pay of the Ordinary Grade Forester was fixed as Rs.9300-34800+4200 Grade Pay. As per one man commission recommendation, the Government further revised the Scale of Pay of the ordinary grade forester was fixed of Rs.9300-34800+4400 Grade pay as per GO.MS.No.280/Finance (pay cell) Department dated 26.08.2010.

3. The grievances of the writ petitioner is that his pay was not fixed based on the last pay drawn and there was an error occurred and therefore, the special scale of pay fixed is to be revised. The order passed in this regard by the first respondent is questioned mainly on the ground of last pay drawn by the writ petitioner.

4. The learned counsel appearing on behalf of the first respondent / Accountant General, placing reliance on the counter affidavit, made a submission that the details regarding the fixation of pay applicable to the writ petitioner has been enumerated in the counter itself and the eligibility of the writ petitioner for fixation is also considered by the first respondent in accordance with the pay rules in force during the relevant point of time. In this regard, it is relevant to extract paragraphs 4 and 5 of the counter affidavit, which provides details regarding the fixation made in the case of the writ petitioner and the same is extracted hereunder:

"4. It is submitted that as per Tamil Nadu Revised Scale of Pay Rules, 2009 implemented in G.O.Ms.234 dated 01.06.2009 and subsequent revision as per One Man Commission recommendation implemented in G.O.Ms.280 dated 26.08.2010 with



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effect from 01.01.2006, the pay scales for the post of Forester in Forest Department are as detailed below:

Post	G.O.Ms.234 dt.1.6.2009	G.O.Ms.280 dt 26.8.2010
FORESTER		
Ordinary Grade	9300-34800+4200GP	9300-34800+4400GP
	9300-34800+4400GP	9300-34800+4600GP
Selection Grade	9300-34800+4600GP	15600-39100+5400GP
Special Grade		

5. It is submitted that the Petitioner was holding the post of Forester (Special Grade) and was drawing Rs.7500+175 PP in the pre-revised scale of 6500-200-10500 as on 31.12.2005. The pay of the petitioner was revised and fixed as detailed below:

Revision as per G.O.Ms.No.234, Finance (PC) Department dated 1.6.2009

Post held on 31.12.2005 - Special Grade Forester

Pay as on 31.12.2005 - 7500+175PP (Rs.7675)

Applying multiplication factor by 1.86 = 14275.50 rounded off to Rs.14280/-

(Rule 4(1)(i) & (ii) of Tamil Nadu Revised Scale of Pay Rules 2009)

Pay revised as on 1.1.2006 Rs.14280+4600 Gr.Pay (Pay Band 9300-34800)

Revision as per G.O.280, Finance (PC) Department dated 26.08.2010 and Govt.Lr.No.63305/Pay Cell/2010-1 dated 8.11.2010 (One Man Commission)

Pay revised at Rs.15600 + 5400 Gr.Pay (Pay Band 15600-39100) in the post of Forester (Special Grade) with effect from 1.1.2006 with monetary benefit from 1.8.2010.

Accordingly the pay of the petitioner was revised and fixed at Rs.15600 + 5400 GP with effect from 1.1.2006 in the pay band 15600-39100+5400GP and also confirmed in the Government letter 67717/Fin (PC)/2010-1 dated 20.12.2010 addressed to Sri.A.Palaniraj Special Grade Forester. After admitting regular periodical increments, increment for promotion as Forest Ranger and increment for Selection Grade Forest Ranger, the



petitioner is entitled for the pay of Rs.23700 + 5400 Gr.Pay (Rs.29100) on the date of superannuation on 30.4.2012 (detailed in the Annexure) which had been taken into account for admitting pensionary benefits."

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5. It is contended that the petitioner is claiming for revision and fixation of pay at Rs.17060+5400 GP as on 01.01.2006 by adopting additional fitment table no.15, Sl.No.7 annexed to Government letter No.51082/pay cell/2010-1 dated 15.9.2010. The first respondent has stated that the claim of the writ petitioner is not tenable as the Government has clarified in letter no.18187/Pay Cell/2012-1, dated 18.04.2012 that the additional fitment table annexed to Government letter No.51082/Pay Cell/2010-1 dated 15.9.2010 is applicable only to posts for which the ordinary grade scales of pay have been revised based on the recommendations of One Man Commission or subsequent Government Orders from one pay band to another and in case where fitment table are not available for the fixation of pay in the revised scales of pay in respect of Selection grade / Special grade, the pay has to be fixed with reference to ruling 4 (1) (i) and (ii) of the Tamil Nadu Revised Scales of Pay Rules, 2009.

6. In view of the facts and circumstances, the case of the writ petitioner was considered by the Accountant General in consonance with the Pay Rules in force and the details regarding the calculations are also extracted in the counter. In such circumstances, if the petitioner is of an opinion that there is some mistake or otherwise in the calculation, it is left open to him to approach the competent authority with relevant Government orders or rules in force.

7. As far as the writ petitioner is concerned, the first respondent has considered and revised the scale of pay in accordance with the Government orders, which need not be interfered with in the present writ petition.

8. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Branch Officer,
The Principal Accountant General
(Accounts & Entitlements)
Tamil Nadu,
Office of the Principal Accountant General
(Accounts & Entitlements), Tamil Nadu
No.361, Anna Salai, Chennai - 600 018.

2. The District Forest Officer,
Office of the District Forest Officer,
Chengalpattu Division,
No.5/9, Varadharajan Farm,
Vandavasi Road, Kancheepuram - 631 501.

+1cc to M/s.Deva Dason and Sagar, Advocate, S.R.No.33245
+1cc to Mrs.Hema Murali Krishnan, Advocate, S.R.No.32693
+1cc to The Special Government Pleader(Forest),S.R.No.33398

W.P.No.5517 of 2014

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NSK/24/06/2022