



W.P.No.22579 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22579 of 2014

1.S.Arivazhagan
2.N.Asokan
3.V.Anandhi
4.D.Ashok
5.M.Mala
6.T.Yogamani
7.C.Palani

...Petitioners

..Vs..

The State of Tamil Nadu,
Represented by its Principal Secretary,
Finance (Pay Cell) Department,
Fort St.George,
Chennai-600 009.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to issue a direction to the respondent seeking rectification of pay anomaly in pay scale at par with the Superintendents and to receive the erstwhile pay scale of Rs.5900-9900 in respect of Probation Officer in Prison Department to the pay scale of Rs.7000-11500 with effect from 12.12.2007 and then to place in the new pay structure of P.B.2-9300-34800 with grade pay



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Rs.4800 as per the findings of the One Man Commission.

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For Petitioner : Mr.G.Rama Devi
for M/s.Lakshmi Priya Associates

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to rectify the pay anomaly in the pay scale at par with the Superintendents and to receive the erstwhile pay scale of Rs.5900-9900 in respect of Probation Officer in Prison Department to the pay scale of Rs.7000-11500 with effect from 12.12.2007 and then to place in the new pay structure of P.B.2-9300-34800 with grade pay Rs.4800 as per the findings of the One Man Commission.

2. The petitioners are working as Probationary Officers in the Finance Department. The grievance of the writ petitioners are that the pay anomaly representations submitted by the petitioners to grant the pay scale on par with the Superintendent in the Ministerial services was not considered. Even the Government Orders in G.O.Ms.No.310 dated 26.08.2010 issued pursuant to the recommendations of the one man commission has not been implemented.



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3. The learned counsel for the petitioners now confined the relief by stating that the petitioner would be satisfied if Government Order issued in the G.O.Ms.No.310 Finance (Pay Cell) Department dated 26.08.2010 have been implemented but in other words the learned counsel for the petitioner states that the said Government Order is to be implemented as order was passed pursuant to the recommendations of the one man commission. As per the above Government Order, the grade pay of Rs.4,500/- was revised to Rs.4,800/-. The said revision is to be effected from 12.12.2007 for the purpose of fixation of pay in the revised scale of pay and with monetary benefit from 01.08.2010.

4. The learned Additional Government Pleader relied on the counter affidavit filed by the Joint Secretary to Government, Finance Department made a submission that the respondents themselves admitted the fact that the petitioners are entitled for the enhanced grade pay grade pay of Rs.4500 - 4800 in Pay Band 2 Rs.9300 - 34800. However, the respondents state that the claim of the writ petitioner for revision of pay to on par with the ministerial Superintendent is not feasible. Regarding the grade pay of Rs.4,800/-



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as per G.O.Ms.No.310, the respondents have stated that the writ petitioners are eligible.

5. In view of the fact that the respondents have stated that the petitioners are entitled with the benefit of G.O.Ms.No.310 dated 26.08.2010, the said benefit of revision of grade pay of Rs.4,800/- is to be granted in favour of the writ petitioners with effect from 12.12.2007 for the purpose of fixing of pay in the revised scale of pay and with monetary benefit from 01.08.2010. If at all the said benefit has not been granted to the petitioners which is stated in G.O.Ms.No.310 dated 26.08.2010, the respondents are directed to extend the same to the petitioners without causing any undue delay.

6. With these directions, the writ petition stands disposed of. No costs.

28.06.2022

mrm/psa
Index: Yes/No
Internet: Yes/No
Speaking Order/Non Speaking Order

To

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The Principal Secretary,
The State of Tamil Nadu,
Finance (Pay Cell) Department,
Fort St.George,
Chennai-600 009.



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S.M.SUBRAMANIAM., J

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