



WP.No.34567 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 14.11.2022

Coram:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

**W.P. No.34567 of 2014
and M.P.No.1 of 2014**

G.Sampath
S/o R.Govindasamy

... Petitioner

Vs.

1.The Government of Tamilnadu
Rep.by Principal Secretary to Government
Finance Department
Secretariat, Chennai – 9.

2.The Joint Director of Agriculture
Sivaramapuram, Thorapadi
Vellore District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent herein pertaining to G.O.Ms.No.114, Finance (Pay Cell) Department dated 06.05.2014 and quash the same and to direct the respondents to implement the Ordinary Grade, Selection Grade and Special Grade Scales of Pay as indicated in Schedule – II of the Tamil Nadu Revised Scales of Pay Rules, 1998, at Rs.4000-6000, Rs.5000-8000 and Rs.5500-9000 to the petitioner from 01.01.1996 / date of initial appointment



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(whichever is later) in the ordinary grade and the respective dates of completion of 10 years of service in the ordinary grade and 10 years in the Selection Grade, respectively with all consequential monetary benefits and to pay all arrears within a stipulated time period.

For Petitioner : Mr.M.Ravi
For Respondents : Mr.G.Velu
Addl. Govt. Pleader

ORDER

This Writ Petition is filed praying to quash the G.O.Ms.No.114 Finance (Pay Cell) Department dated 06.05.2014 and seeks direction to the respondents to implement the Ordinary Grade, Selection Grade and Special Grade Scales of Pay as indicated in Schedule -II of the Tamil Nadu Revised Scales of Pay Rules, 1998.

2. The issue in the case on hand is well-settled that a person cannot invoke [Article 14](#) to claim a benefit extended to someone similarly placed if he is not lawfully entitled to such benefit in the first place. [Article 14](#) embodies the concept of positive equality alone, and not negative equality, that is to say, it cannot be relied upon to perpetuate an illegality or



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irregularity.

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3. In similar matter, a Division Bench of this court held that the Appellants can only be granted the benefit of the Selection Grade and Special Grade scales of pay to which they are lawfully entitled in terms of G.O. Ms. No. 162, i.e. Rs. 4000- 6000 and Rs. 4300-6000 respectively and the said order was confirmed by the Hon'ble Supreme Court of India.

4. Since the issue has already been decided by this court and the Honourable Supreme Court, the prayer in the writ petition cannot be entertained by this court. Accordingly, this writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

14.11.2022

Index:Yes/No
Internet:Yes/No
Speaking Order: Yes/No
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J.NISHA BANU, J.,

Jer/nvsri

To
1.The Principal Secretary to Government
Government of Tamilnadu
Finance Department
Secretariat, Chennai – 9.

2.The Joint Director of Agriculture
Sivaramapuram, Thorapadi,
Vellore District.

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