



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.01.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)Nos.2205, 3352, 15981,15988, 15995, 16000, 16006, 16475, 16483, 16490, 16906, 16915, 16916,16917 16922, 16924, 16927, 16923, 16925, 17700, 19324, 19329, 19332, 19335, 19338, and 19341 of 2020 and 1286 of 2021 and connected miscellaneous petitions.

WP (MD) . No.2205/ 2020

S.Chandrasekar

... Petitioner

vs

1. The Director of Town Panchayat,
O/o.The Directorate of Town Panchayat,
7th and 8th Floors, Urban Administrative Office Campus, Chennai-600 028

2. The Assistant Director Town Panchayats
Assistant Director Office,
Nagercoil Division, District Collector Campus,
Nagercoil, Kanyakumari District

3. The Executive Officer
Marungur Town Panchayat, Marungur,
Kanyakumari District-629 402 ... Respondents

Prayer in WP (MD) . No.2205/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To Call for the records pertaining to the Impugned Order passed by the 3rd respondent vide his Proceedings in Na.Ka.No.179/2019, dated 02.01.2020 and quash the same as illegal and consequently forbearing the respondents from effecting recovery from the petitioner without issuing Show Cause Notice and in violation of the guidelines issued by the Honourable Supreme Court in State of Punjab and Ors etc. V Rafiq Mah (White Washer), reported in AIR 2015 C 696 and for other reliefs



For Petitioner

... Mr.G.Anto Prince

For Respondents

... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. J.Ashok
Addl Govt Pleader

WP (MD) . No.3352/ 2020

S Thomas

... Petitioner

vs

1. The Director of Town Panchayat,
Office of the Directorate of Town Panchayat,
7th and 8th Floors, Urban Administrative Office Campus,
Chennai-600 028

2. The Asst Director Town Panchayats
Assistant Director Office, Nagercoil Division,
District Collector Campus, Nagercoil, Kanyakumari Dist

3. The Executive Officer
Thiruvithancode Town Panchayat, Thiruvithancode,
Kanyakumari Dist-629402

... Respondents

Prayer in WP (MD) . No.3352/ 2020 :

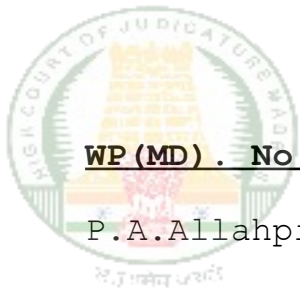
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to call for the records pertaining to the impugned order passed by the 3rd respondent vide his proceedings in Na.Ka.No.823/2019 dt 8.1.2020 and quash the same as illegal and consequently forbearing the respondents from effecting recovery from the petitioner without issuing Show Cause Notice and in violation of the guidelines issued by the Honble Supreme Court in State of Punjab and Ors etc. V.Rajiq Mah (White Washer) reported in AIR 2015 C 696 and for other reliefs.

For Petitioner

... Mr.G.Anto Prince

For Respondents

... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. J.Ashok



Addl Govt Pleader

WP (MD) . No.15981/ 2020

P.A.Allahpitchai

... Petitioner

vs

WEB COPY

- 1.The State of Tamilnadu Represented by its Secretary,
Finance Department, Fort.St.George, Chennai -600 009.
 2. State of Tamil Nadu, Represented by its Secretary,
Municipal Administration and Water Supply Department,
Fort.St.George, Chennai -600 009.
 3. The Director of Town Panchayat,
O/o. the Director of Town Panchayat, Raja Annamalaipuram, Chennai
-600 028.
 4. The Director, Local Fund Audit,
Integrated Complex For Finance Department, 5th Floor,
Saidapet, Animal Husbandry Hospital Campus, Nandanam, Chennai -35.
 5. The Executive Officer,
Pathamadaai Special Grade Town Panchayat,
Pathamadaai, Tirunelveli District.
- ... Respondents

Prayer in WP (MD) . No.15981/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-9 To issue a writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Na.Ka.No.1222/2020A3 dated 07.10.2020 on the file of the Respondent No.3 and quash the same as illegal and consequently for a direction, forbearing the respondents from reducing the grade pay of the Petitioner from Rs.1900 to Rs.1300.

For Petitioner

... Mr.T.Lajpathi Roy

For Respondents

... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. S.Saji Bino
Spl Govt Pleader



WP (MD) . No. 15988/ 2020

K.Chandran

... Petitioner

vs

WEB COPY

1. The State of Tamilnadu Represented by its Secretary,
Finance Department, Fort.St.George, Chennai -600 009.
2. State of Tamil Nadu, Represented by its Secretary,
Municipal Administration and Water Supply Department,
Fort.St.George, Chennai -600 009.
3. The Director of Town Panchayat,
O/o. the Director of Town Panchayat, Raja Annamalaipuram, Chennai
-600 028.
4. The Director, Local Fund Audit,
Integrated Complex For Finance Department, 5th Floor,
Saidapet, Animal Husbandry Hospital Campus, Nandanam, Chennai -35.
5. The Executive Officer,
Thiruparappu Selection Grade Town Panchayat,
Thiruparappu, Kanyakumari District. ... Respondents

Prayer in WP(MD). 15988/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Na.Ka.No.1222/2020A3 dated 07.10.2020 on the file of the Respondent No.3 and quash the same as illegal and consequently for a direction, forbearing the respondents from reducing the grade pay of the Petitioner from Rs.1900 to Rs.1300.

For Petitioner

... Mr.T.Lajpathi Roy

For Respondents

... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. S.Saji Bino
Spl Govt Pleader

WP (MD) . No.15995/ 2020

M.Ramasamy

... Petitioner



VS

1. The State of Tamilnadu Represented by its Secretary,
Finance Department, Fort.St.George, Chennai -600 009.

2. State of Tamil Nadu, Represented by its Secretary,
Municipal Administration and Water Supply Department,
Fort.St.George, Chennai -600 009.

3. The Director of Town Panchayat
O/o. the Director of Town Panchayat,
Raja Annamalaipuram, Chennai -600 028.

4.The Director, Local Fund Audit,
Integrated Complex For Finance Department,
5th Floor, Saidapet,
Animal Husbandry Hospital Campus, Nandanam, Chennai -35.

5. The Executive Officer, Alwarkurichi Town Panchayat,
Alwarkurichi, Tenkasi District. ... Respondents

Prayer in WP(MD). No.15995/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Na.Ka.No.1222/2020A3 dated 07.10.2020 on the file of the Respondent No.3 and quash the same as illegal and consequently for a direction, forbearing the respondents from reducing the grade pay of the Petitioner from Rs.1900 to Rs.1300.

For Petitioner ... Mr.T.Lajpathi Roy

For Respondents ... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. S.Saji Bino
Spl Govt Pleader

WP(MD). No.16000/ 2020

P.Iyappan ... Petitioner

VS



1. The State of Tamilnadu Represented by its Secretary,
Finance Department, Fort.St.George, Chennai -600 009.
- 2.State of Tamil Nadu,
Represented by its Secretary,
Municipal Administration and Water Supply Department,
Fort.St.George, Chennai -600 009.
3. The Director of Town Panchayat
O/o. the Director of Town Panchayat,
Raja Annamalaipuram, Chennai -600 028.
- 4.The Director,
Local Fund Audit,
Integrated Complex For Finance Department,
5th Floor, Saidapet,
Animal Husbandry Hospital Campus, Nandanam, Chennai -35.
5. The Executive Officer,
Kalidaikurichi Special Grade Town Panchayat,
Kalidaikurichi, Tirunelveli District. ... Respondents

Prayer in WP(MD). No.16000/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Na.Ka.No.1222/2020A3 dated 07.10.2020 on the file of the Respondent No.3 and quash the same as illegal and consequently for a direction, forbearing the respondents from reducing the grade pay of the Petitioner from Rs.1900 to Rs.1300.

For Petitioner ... Mr.T.Lajpathi Roy

For Respondents ... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. S.Saji Bino
Spl Govt Pleader

WP(MD). No.16006/ 2020

K.Maharajan ... Petitioner
vs

1. The State of Tamilnadu Represented by its Secretary,
Finance Department,
Fort.St.George, Chennai -600 009.



- 2.State of Tamil Nadu,
Represented by its Secretary,
Municipal Administration and Water Supply Department,
Fort.St.George, Chennai -600 009.
3. The Director of Town Panchayat
O/o.the Director of Town Panchayat,
Raja Annamalaipuram, Chennai -600 028.
- 4.The Director,
Local Fund Audit,
Integrated Complex For Finance Department,
5th Floor, Saidapet,
Animal Husbandry Hospital Campus, Nandanam, Chennai -35.
5. The Executive Officer,
Kalakad Special Grade Town Panchayat,
Kalakad, Tirunelveli District. ... Respondents

Prayer in WP(MD). No.16006/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Na.Ka.No.1222/2020A3 dated 07.10.2020 on the file of the Respondent No.3 and quash the same as illegal and consequently for a direction, forbearing the respondents from reducing the grade pay of the Petitioner from Rs.1900 to Rs.1300.

For Petitioner ... Mr.T.Lajpathi Roy

For Respondents ... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. S.Saji Bino
Spl Govt Pleader

WP(MD). No.16475/ 2020

S. Jose ... Petitioner

vs

1. The State of Tamil Nadu Rep. by its Secretary,
Finance Dept., Fort.St.George, Chennai - 600009.
2. State of Tamilnadu Rep. by its Secretary,
Municipal Administration and Water Supply Dept.,
Fort, St.George, Chennai - 600009.



3. The Director of Town Panchayat
O/o. the Director of Town Panchayat,
Raja Annamalaipuram, Chennai - 600028.
4. The Director, Local Fund Audit,
Integrated Complex For Finance Dept.,
5th Floor, Saidapet,
Animal Husbandary Hospital Campus,
Nandanam, Chennai - 35.
5. The Executive Officer,
Verkilambi First Grade Town Panchayat, Kallankuzhi Post,
Kanyakumari District ... Respondents

Prayer in WP(MD). No.16475/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.Ka.No.1222/2020A3 dt 07.10.2020 on the file of the respondent No.3 and quash the same as illegal and consequently for a direction forbearing the respondents from reducing the grade pay of the petitioner from Rs.1900 to 1300.

For Petitioner ... Mr.T.Lajpathi Roy

For Respondents ... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. S.Saji Bino
Spl Govt Pleader

WP(MD). No.16483/ 2020

K. Palanisamy ... Petitioner

vs

1. The State of Tamil Nadu
Rep. by its Secretary, Finance Dept.,
Fort.St.George, Chennai - 600009.
2. State of Tamilnadu Rep. by its Secretary,
Municipal Administration and Water Supply Dept.,
Fort, St.George, Chennai - 600009.
3. The Director of Town Panchayat
O/o. the Director of Town Panchayat,
Raja Annamalaipuram, Chennai - 600028.



4. The Director,
Local Fund Audit, Integrated Complex For Finance Dept.,
5th Floor, Saidapet, Animal Husbandary Hospital Campus, Nandanam,
Chennai - 35.

5. The Executive Officer,
Nallur First Grade Town Panchayat, Marthandam
Kanyakumari District ... Respondents

Prayer in WP(MD). No.16483/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.Ka.No.1222/2020A3 dt 07.10.2020 on the file of the respondent No.3 and quash the same as illegal and consequently for a direction forbearing the respondents from reducing the grade pay of the petitioner from Rs.1900 to 1300.

For Petitioner ... Mr.T.Lajpathi Roy

For Respondents ... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. S.Saji Bino
Spl Govt Pleader

WP(MD). No.16490/ 2020

Sudheer ... Petitioner

vs

1. The State of Tamil Nadu Rep. by its Secretary,
Finance Dept., Fort.St.George, Chennai - 600009.
2. The State of Tamilnadu Rep. by its Secretary,
Municipal Administration and Water Supply Dept.,
Fort, St.George, Chennai - 600009.
3. The Director of Town Panchayat
O/o. the Director of Town Panchayat,
Raja Annamalaipuram,
Chennai - 600028.
4. The Director, Local Fund Audit,
Integrated Complex For Finance Dept.,
5th Floor, Saidapet,
Animal Husbandary Hospital Campus, Nandanam, Chennai - 35.



5. The Executive Officer,
Thiruparappu Selection Grade Town Panchayat, Thiruparappu Post,
Kanyakumari District ... Respondents

Prayer in WP(MD). No.16490/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.Ka.No.1222/2020A3 dt 07.10.2020 on the file of the respondent No.3 and quash the same as illegal and consequently for a direction forbearing the respondents from reducing the grade pay of the petitioner from Rs.1900 to 1300.

For Petitioner ... Mr.T.Lajpathi Roy

For Respondents ... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. S.Saji Bino
Spl Govt Pleader

WP(MD). No.16906/ 2020

Suresh ... Petitioner

vs

1. The Director of Town Panchayat,
Urban Administrative Building,
75, Santhome High Road, R.A.Puram, Chennai.
- 2.The Assistant Director of Town Panchayat,
Nagercoil Zone, Nagercoil.
- 3.The Executive Officer,
Kiliyoor Town Panchayat,
Kanyakumari District ... Respondents

Prayer in WP(MD). No.16906/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining the proceedings of the 3rd respondent in Na.Ka.No.1378 of 2019 dt 20.12.2019 and quash the same as baseless and may consequently, restore pay to the petitoner as per the proceedings of the



respondent in Na.ka.539/11/A3 dt 25.09.2015 as per G.O.338/ Finance dept. dt 26.08.2010 and may pay arrears in difference of pay from Dec 2019 and may refund the already recovered amount from the petitioner.

For Petitioner

... Mr.A.Balakrishnan

For Respondents

... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. G.V.Vairam Santhosh
Addl Govt Pleader

WP(MD) . No.16915/ 2020

1. Bahuleyyan
2. John Mosas
3. Murugan

... Petitioner

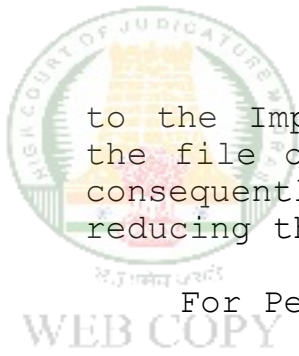
vs

1. The State of Tamilnadu Rep by its Secetary Finance Department,
Fort St.George , Chennai - 600009
2. State of Tamil Nadu Rep by its Secrtary,
Municipal Administration and Water Supply Department,
Fort St.George,
Chennai - 600009
3. The Director of Town Panchayat,
O/o.The Director of Town Panchayat ,
Raja Annamalaipuram, Chennai - 600028
4. The Director ,
Local Fund Audit,
Intergrated Complex For Finance Department,
5th Floor , Saidapet,
Animal Husbandary Hospital Campus,
Nandanam , Chennai - 35.
5. The Executive Officer,
Arumanai First Grade Town Panchayat,
Arumanai Post , Kanyakumari District ... Respondents

Prayer in WP(MD) . No.16915/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-9. Pleased to issue a Writ of Certiorarified Mandamus to call for the records pertaining

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to the Impugned Order in Na.Ka.No.1222/2020A3 dated 07.10.2020 on the file of the Respondent No.3 and quash the same as illegal and consequently for a direction forbearing the respondents from reducing the grade pay of the Petitioner from Rs.1900 to Rs.1300

For Petitioner

... Mr.T.Lajpathi Roy

For Respondents

... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. S.Saji Bino
Spl Govt Pleader

WP (MD) . No.16916/ 2020

1. Mohanlal.M
2. S.Hari Kumar
3. Shanu

... Petitioner

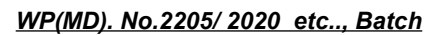
vs

1. The State of Tamilnadu
Rep by its Secetary Finance Department ,
Fort St.George , Chennai - 600009
2. State of Tamil Nadu Rep by its Secrtary ,
Municipal Administration and Water Supply Department,
Fort St.George , Chennai - 600009
3. The Director of Town Panchayat,
O/o.The Director of Town Panchayat , Raja Annamalaipuram, Chennai -
600028
4. The Director, Local Fund Audit, Intergrated Complex For Finance
Department,
5th Floor , Saidapet, Animal Husbandary Hospital Campus , Nandanam ,
Chennai - 35.
5. The Executive Officer
Edaikode First Grade Town Panchayat , Edaikode Post ,
Kanyakumari District. ... Respondents

Prayer in WP (MD) . No.16916/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the

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For Petitioner

... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. S.Saji Bino
Spl Govt Pleader

... Respondents

13/39



reducing the grade pay of the petitioner from Rs.1900 to Rs.1300

For Petitioner

... Mr.T.Lajpathi Roy

For Respondents

... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. S.Saji Bino
Spl Govt Pleader

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WP(MD). No.16922/ 2020

1. Kumar
2. P.Chandran ... Petitioners

vs

1. The State of Tamilnadu Rep by its Secetary Finance Department ,
Fort St.George ,
Chennai - 600009

2. State of Tamil Nadu Rep by its Secrtary,
Municipal Administration and Water Supply Department,
Fort St.George , Chennai - 600009

3. The Director of Town Panchayat,
O/o.The Director of Town Panchayat ,
Raja Annamalaipuram, Chennai - 600028

4. The Director , Local Fund Audit,
Intergrated Complex For Finance Department ,
5th Floor, Saidapet,
Animal Husbandary Hospital Campus ,
Nandanam , Chennai - 35.

5.The Executive Officer
Kulashekaram Selection Grade Townn Panchayat ,
Kulashekaram, Kanyakumari District. ... Respondents

Prayer in WP(MD). No.16922/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order in Ka.No.No.1222/2020A3 dated 7.10.2020 on the file of the respondent No.3 and quash the same as illegal and consequently for a direction, forbearing the respondents from reducing the grade pay of the petitioner from Rs.1900 to 1300

For Petitioner

... Mr.T.Lajpathi Roy



For Respondents

... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. S.Saji Bino
Spl Govt Pleader

WP (MD). No.16924/ 2020

1. Babu Hussain
2. R.Murugan
3. V.Thalavai
4. S.Raman
- 5.C.Esakki Pandi

... Petitioners

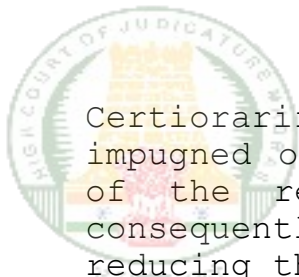
vs

1. The State of Tamilnadu Rep by its Secetary Finance Department,
Fort St.George , Chennai - 600009
 - 2.State of Tamil Nadu,
Rep by its Secretary,
Municipal Administration and Water Supply Department,
Fort St.George , Chennai - 600009
 - 3.The Director of Town Panchayat,
O/o.The Director of Town Panchayat,
Raja Annamalaipuram, Chennai - 600028
 4. The Director , Local Fund Audit, Intergrated Complex For
Finance Department,
5th Floor , Saidapet, Animal Husbandary Hospital Campus ,
Nandanam , Chennai - 35.
 - 5.The Executive Officer Vadaku Valliyoor
Special Grade Town Panchayat ,
Vadaku Valliyoor , Tirunelveli District
 - 6.The Executive Officer Panakudi
Special Grade Town Panchayat ,
Panakudi , Tirunelveli District
 - 7.The Executive Officer Kalakadu
Special Grade Town Panchayat ,
Kalakadu , Tirunelveli District
- ... Respondents

Prayer in WP(MD). No.16924/ 2020 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court to issue a Writ of

<https://hcservices.ecourts.gov.in/hcservices/>



Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No. 1222/2020A3 dt. 07.10.2020 on the file of the respondent No. 3 and quash the same as illegal and consequently for a direction, forbearing the respondents from reducing the grade pay of the petitioner from Rs. 1900 to Rs. 1300.

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For Petitioner	... Mr.T.Lajpathi Roy
For Respondents	... Mr.Veerakathiravan
	Addl Advocate General
	Assisted by Mr. S.Saji Bino
	Spl Govt Pleader

WP (MD) . No.16927/ 2020

1.S.Nagoor Meeran	
2. V.Iyyappasubramanian	
3. M.Perumal	
4. A.Varusai Mohideen	... Petitioners
	vs

1. The State of Tamilnadu Rep by its Secetary Finance Department,
Fort St.George , Chennai - 600009

2. State of Tamil Nadu Rep by its Secrtary,
Municipal Administration and Water Supply Department,
Fort St.George , Chennai - 600009

3. The Director of Town Panchayat,
O/o.The Director of Town Panchayat,
Raja Annamalaipuram, Chennai - 600028

4.The Director , Local Fund Audit,
Intergrated Complex For Finance Department,
5th Floor , Saidapet, Animal Husbandary Hospital Campus,
Nandanam , Chennai - 35.

5.The Executive Officer Alwarkurichi Town Panchayat,
Alwarkurichi , Tenkasi District

6. The Executive Officer Pathamadaai Special Grade Town Panchayat,
Pathamadaai , Tirunelveli District .. Respondents

Prayer in WP(MD). No.16927/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No. 1222/2020A3 dt. 07.10.2020 on the file of the respondent No. 3 and quash the same as illegal and consequently for a direction, forbearing the respondent Nos. 3,5 and 6 from reducing the grade pay of the petitioner from Rs. 1900 to Rs.



For Petitioner

... Mr.T.Lajpathi Roy

For Respondents

... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. S.Saji Bino
Spl Govt Pleader

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WP(MD) . No.16923/ 2020

1. M.Surendran
 2. R.Rajkumar
 3. J.Suresh Kumar
 4. S.Sundar Singh
- ... Petitioners

vs

1. The State of Tamilnadu
Rep by its Secetary Finance Department,
Fort St.George , Chennai - 600009
 2. State of Tamil Nadu Rep by its Secrtary,
Municipal Administration and Water Supply Department,
Fort St.George , Chennai - 600009
 3. The Director of Town Panchayat,
O/o.The Director of Town Panchayat ,
Raja Annamalaipuram, Chennai - 600028
 4. The Director , Local Fund Audit,
Intergrated Complex For Finance Department ,
5th Floor, Saidapet, Animal Husbandary Hospital Campus ,
Nandanam , Chennai - 35.
 5. The Executive Officer
Ezhudesam First Grade Town Panchayat ,
Kanjampuram, Kanyakumari District
- ... Respondents

Prayer in WP(MD) . No.16923/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.Ka.No.1222/2020A3 dated 07.10.2020 on the file of the Respondent No.3 and quash the same as illegal and consequently for a direction forbearing the respondents from reducing the grade pay of the Petitioner from Rs.1900 to Rs.1300



For Petitioner

... Mr.T.Lajpathi Roy

For Respondents

... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. S.Saji Bino
Spl Govt Pleader

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WP (MD) . No.16925/ 2020

1. P.Vincent
 2. S.Vinoth Kumar
 3. A.Benjamin
 4. Saleen Kumar
 5. Justin Raj
- ... Petitioners

vs

1. The State of Tamilnadu Rep by its Secetary Finance Department,
Fort St.George , Chennai - 600009
 2. State of Tamil Nadu Rep by its Secrtary,
Municipal Administration and Water Supply Department,
Fort St.George , Chennai - 600009
 3. The Director of Town Panchayat,
O/o.The Director of Town Panchayat ,
Raja Annamalaipuram, Chennai - 600028
 4. The Director , Local Fund Audit,
Intergrated Complex For Finance Department ,
5th Floor , Saidapet,
Animal Husbandary Hospital Campus , Nandanam , Chennai - 35.
 5. The Executive Officer
Pazhukal First Grade Town Panchayat , Pazhukal,
Kanyakumari District
- ... Respondents

Prayer in WP (MD) . No.16925/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-9. To issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.Ka.No.1222/2020A3 dated 07.10.2020 on the file of the Respondent No.3 and quash the same as illegal and consequently for a direction forbearing the respondents from reducing the grade pay of the Petitioner from Rs.1900 to Rs.1300

For Petitioner

... Mr.T.Lajpathi Roy



For Respondents

... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. S.Saji Bino
Spl Govt Pleader

WP (MD). No.17700/ 2020 :

1. C.Manikandan
2. C.M.Edwin Jayakumar
3. S.Sivakumar
4. C.Aji Kumar
5. A.David Raj
6. C.John Bosco
7. G.Shajimon,
8. T.Sasi
9. P.Jayan
10. S.Sreekumar
11. V.M.Suresh Kumar
12. T.Asari
13. T.Manoharan
14. M.David Johnson
15. T.Thansilas
16. D.A.Richard Solomon,
17. V.Suresh Kumar
18. K.Kumaraswamy,
19. T.Ruban,
20. V.Pushparaj
21. S.Rajesh
22. J.P.Jemin
23. A.Christopher Jabasingh,
24. P.Robinson

... Petitioners

vs

1. The State of Tamil Nadu Represented by its Secretary,
Finance Department, Fort St. George, Chennai 600 009
- 2.State of Tamil Nadu Represented by its Secretary,
Municipal Administrtation and Water Supply Department,
Fort St. George, Chennai 600 009
- 3.The Director of Town Panchay At,
O/o.The Director of Town Panchayat,
Raja Annamalaipuram, Chennai 600 028
- 4.The Director Local Fund Audit,
Integrated Complex For Finance Department,
5th Floor, Saidapet, Animal Hubandary Hospital Campus,
Nandanam, Chennai 35



5. The Executive Officer Verkilambi Grade-I Town Panchayat,
Kanyakumari District
 6. The Executive Officer Thiruvattar Grade I Town Panchayat,
Kanyakumari District
 7. The Executive Officer Kollamcode Grade I Town Panchayat,
Kanyakumari District
 8. The Executive Officer Athur Grade II Town Panchayat,
Kanyakumari District
 9. The Executive Officer Arumanai Grade I Town Panchayat,
Kanyakumari District
 10. The Executive Officer Kulasekaram Selection Grade Town
Panchayat,
Kanyakumari District
 11. The Executive Officer Thiruparappu Selection Grade Town
Panchayat,
Kanyakumari District
- ... Respondents

Prayer in WP(MD). No.17700/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Na.Ka.No.1222/2020A3 dated 07.10.2020 on the file of the Respondent No.3 and quash the same as illegal and consequently for a direction, forbearing the respondents from reducing the grade pay of the Petitioner from Rs.1900 to Rs.1300

For Petitioner ... Mr.T.Lajpathi Roy

For Respondents ... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. V.Nirmal Kumar
Govt Advocate

WP(MD). No.19324/ 2020

A. Nagarajan ... Petitioner
vs

1. The State of Tamil Andu
Rep by its Secretary, Finance Department,
Fort St.George, Chennai-600 009

2. State of Tamil Nadu Rep by its Secretary,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai-600 009



3. The Director of Town Panchayat,
O/o.The Director of Town Panchayat, Raja Annamalaipuram, Chennai-600 028

4. The Director Local Fund Audit,
Integrated Complex For Finance Department, 5th Floor, Saidapet,
Animal Husbandary Hospital Campus, Nandanam, Chennai-35

5. The Executive Officer Pathamadaai Special Grade Town Panchayat,
Pathamadaai, Tirunelveli Dist ... Respondents

Prayer in WP(MD). No.19324/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-7. to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order in Na.Ka.NO.1222/2020A3 dated 7.10.2020 on the file of the respondent No.3 and consequent impugned order passed by the 5th respondent in Na.Ka.No.298/2020/A1 dated 3.11.2020 and quash the same as illegal and consequently for a direction forbearing the respondents from reducing the grade pay of the petitioner from Rs.1900 to Rs.1300

For Petitioner ... Mr.R.Maheswaran

For Respondents ... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. S.Saji Bino
Spl Govt Pleader

WP(MD). No.19329/ 2020

M. Malukkamali ... Petitioner

vs

1. The State of Tamil Andu Rep by its Secretary,
Finance Department, Fort St.George, Chennai-600 009

2. State of Tamil Nadu Rep by its Secretary,
Municipal Administration and Water Supply Department,
Fort St George, Chennai-600 009

3.The Director of Town Panchayat,
O/o.The Director of Town Panchayat,
Raja Annamalaipuram, Chennai-600 028



4. The Director Local Fund Audit,
Integrated Complex For Finance Department, 5th Floor,
Saidapet, Animal Husbandary Hospital Campus, Nandanam, Chennai-35

5. The Executive Officer Pathamadaai Special Grade Town Panchayat,
Pathamadaai, Tirunelveli Dist ... Respondents

Prayer in WP(MD). No.19329/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-7. to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order in Na.Ka.NO.1222/2020A3 dated 7.10.2020 on the file of the respondent No.3 and consequent impugned order passed by the 5th respondent in Na.Ka.No.298/2020/A1 dated 3.11.2020 and quash the same as illegal and consequently for a direction forbearing the respondents from reducing the grade pay of the petitioner from Rs.1900 to Rs.1300

For Petitioner ... Mr.R.Maheswaran

For Respondents ... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. S.Saji Bino
Spl Govt Pleader

WP(MD) . No.19332/ 2020

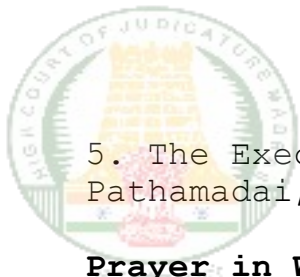
K. Samuthiravel ... Petitioner
vs

1. The State of Tamil Andu Rep by its Secretary,
Finance Department, Fort St.George, Chennai-600 009

2. State of Tamil Nadu Rep by its Secretary,
Municipal Administration and Water Supply Department,
Fort St George, Chennai-600 009

3. The Director of Town Panchayat,
O/o.The Director of Town Panchayat,
Raja Annamalaipuram, Chennai-600 028

4. The Director Local Fund Audit,
Integrated Complex For Finance Department,
5th Floor, Saidapet,
Animal Husbandary Hospital Campus, Nandanam, Chennai-35



5. The Executive Officer, Pathamadai Special Grade Town Panchayat,
Pathamadai, Tirunelveli Dist ... Respondents

Prayer in WP(MD) . No.19332/ 2020 :

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Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-7. to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order in Na.Ka.NO.1222/2020A3 dated 7.10.2020 on the file of the respondent No.3 and consequent impugned order passed by the 5th respondent in Na.Ka.No.298/2020/A1 dated 3.11.2020 and quash the same as illegal and consequently for a direction forbearing the respondents from reducing the grade pay of the petitioner from Rs.1900 to Rs.1300

For Petitioner ... Mr.R.Maheswaran

For Respondents ... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. S.Saji Bino
Spl Govt Pleader

WP(MD) . No.19335/ 2020

G.Madhavan ... Petitioner

vs

1. The State of Tamil Andu Rep by its Secretary,
Finance Department, Fort St.George, Chennai-600 009

2. State of Tamil Nadu Rep by its Secretary,
Municipal Administration and Water Supply Department,
Fort St George, Chennai-600 009

3. The Director of Town Panchayat,
O/o.The Director of Town Panchayat, Raja Annamalaipuram,
Chennai-600 028

4. The Director Local Fund Audit,
Integrated Complex For Finance Department, 5th Floor, Saidapet,
Animal Husbandary Hospital Campus, Nandanam, Chennai-35

5. The Executive Officer
Pathamadai Special Grade Town Panchayat,
Pathamadai, Tirunelveli Dist ... Respondents



Prayer in WP(MD) . No.19335/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-7. to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order in Na.Ka.NO.1222/2020A3 dated 7.10.2020 on the file of the respondent No.3 and consequent impugned order passed by the 5th respondent in Na.Ka.No.298/2020/A1 dated 3.11.2020 and quash the same as illegal and consequently for a direction forbearing the respondents from reducing the grade pay of the petitioner from Rs.1900 to Rs.1300

For Petitioner ... Mr.R.Maheswaran

For Respondents ... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. S.Saji Bino
Spl Govt Pleader

WP(MD) . No.19338/ 2020

U.Sorimuthu ... Petitioner
vs

1. The State of Tamil Andu Rep by its Secretary,
Finance Department, Fort St.George, Chennai-600 009

2. State of Tamil Nadu Rep by its Secretary,
Municipal Administration and Water Supply Department,
Fort St George, Chennai-600 009

3. The Director of Town Panchayat,
O/o.The Director of Town Panchayat,
Raja Annamalaipuram, Chennai-600 028

4. The Director Local Fund Audit,
Integrated Complex For Finance Department,
5th Floor, Saidapet,
Animal Husbandary Hospital Campus, Nandanam, Chennai-35

5. The Executive Officer Pathamadaai Special Grade Town Panchayat,
Pathamadaai, Tirunelveli Dist ... Respondents

Prayer in WP(MD) . No.19338/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of

<https://hcservices.ecourts.gov.in/hcservices/>

Respondent
Rs.1900 to

For Petitioner

For Respondents

WP (MD) . No.19341/ 2020

M. Magesh

VS

1.The State of Tamil Nadu,

2. State of Tamil Nadu

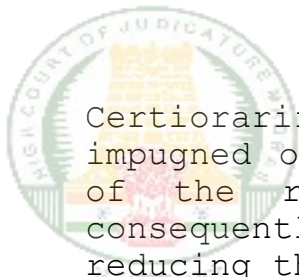
3. The Director of Town Panchayat,

4. The Director Local Fund Audit,

5. The Executive Officer

Prayer in WP (MD) . No.19341/ 2020 :

Writ Petition is filed under Article 226 of the



Certiorarified Mandamus, call for the records pertaining to the impugned order in Na.Ka.NO.1222/2020A3 dated 7.10.2020 on the file of the respondent No.3 and quash the same as illegal and consequently for a direction forbearing the respondents from reducing the grade pay of the petitioner from Rs.1900 to Rs.1300

For Petitioner

... Mr.R.Maheswaran

For Respondents

... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. S.Saji Bino
Spl Govt Pleader

WP (MD) . No.1286/ 2021

- 1.M. Balasubramanian
2. A.Veilmuthu
3. M.Tamilarasan
4. M.Mahendran
5. K.Murugesan

... Petitioners

vs

1.The State of Tamilnadu Rep by its Secretary,
Finance Department,
Fort St.George, Chennai-600 009

2. State of Tamil Nadu Rep by its Secretary,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai-600 009

3.The Director of Town Panchayat,
O/o.The Director of Town Panchayat,
Raja Annamalaipuram, Chennai-600 028

4. The Director Local Fund Audit,
Integrated Complex For Finance Department,
5th Floor, Saidapet,
Animal Husbandary Hospital Campus, Nandanam, Chennai-35

5.The Executive Officer Sundarapandiam Grade I Town Panchayat,
Virudhunagar District.

6.The Executive Officer Vathirayiruppu Selection Grade Town
Panchayat, Kanyakumari District.

7. The Executive Officer Mamsapuram Grade I Town Panchayat,
Kanyakumari District

... Respondents



Prayer in WP (MD) . No.1286/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified mandamus, call for the records pertaining to the impugned order in Na.Ka.No.122282020/A3 dated 7.10.2020 on the file of the respondent No.3 and quash the same as illegal and consequently for a direction, forbearing the respondents from reducing the grade pay of the petitioner from Rs.1900 to Rs.1300

For Petitioner ... Mr.T.Lajpathi Roy

For Respondents ... Mr.Veerakathiravan
Addl Advocate General
Assisted by
Mr. S.Saji Bino
Spl Govt Pleader

COMMON ORDER

These writ petitions have been filed as against the order of the Director of Town Panchayat, fixing the scale of pay of the petitioners lower than the existing scale of pay.

2.The first batch of writ petitions in W.P(MD)Nos.15981 of 2020 etc..., is filed challenging the proceedings of Director of Town Panchayat in Na.Ka.No.1222/2020/A3, dated 07.10.2020, withdrawing the previous clarification issued in Na.Ka.No.21256/2012/A3, dated 10.06.2013. The another batch of writ petitions in W.P.(MD)Nos.15934 of 2020 etc..., is filed challenging the proceedings of the Director of town Panchayat in Na.Ka.No.1222/2020/A3 dated 07.10.2020 and the consequential order passed by respective Executive Officer of the Town Panchayat implementing the orders of Director of Town Panchayat.

3.Since the issue involved in these writ petitions is one and the same, these writ petitions are heard together and disposed of by way of this common order.

4.The petitioners are either appointed as Watchman, Overhead Operator or Pump Operator, Helper, etc..., in the Basic Services of the respective Town Panchayat. The Government vide G.O.Ms.No.338 Finance (Pay Cell) Department dated 28.06.2010, redesignated their posts as unskilled employees and revised their scale of pay on par with trade posts. Based on the audit objections, the Director of Town Panchayat vide his proceedings in Na.Ka.No.1222/2020/A3, dated 07.10.2010 revised the scale of pay of



basic service and also ordered for recovery of the excess amount paid to the petitioners, from their monthly salary. In pursuance of the said proceedings, the respective Town Panchayats issued orders for recovery of amount and aggrieved over the same, the present writ petitions are filed.

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5.The learned Counsel for the petitioners further submits that their scale of pay was fixed as per the recommendation of one man commission, which was accepted by the Government in G.O.Ms.No.338 Finance (Pay Cell) Department dated 26.08.2010 and the present revision is made after 10 years without even affording an opportunity of hearing to the petitioners. Therefore, according to these petitioners, these impugned orders in these writ petitions are liable to be set aside on the ground of violation of principles of natural justice.

6.The learned Additional Advocate General appearing for the respondents submits that initially Town Panchayats were under the control of Rural Development Department and governed by the Tamil Nadu Panchayat Act 1958. Later, a separate Directorate of Town Panchayat was established vide G.O.Ms.No.828, Rural Development and Local Administration Department, dated 07.05.1981. Further, it was brought under the purview of Rural Development Department vide G.O.Ms.No.150, Rural Development (C1) Department, dated 01.10.2004. Then the village Panchayats were classified as Special Village Panchayats as per Sec.6(4) of the Tamil Nadu Panchayat Act, 1994 and hence Special Village Panchayats were reconstituted as Town Panchayats under the Tamil Nadu District Municipalities Act, 1920 in the year 2006. The Tamil Nadu Town Panchayats Establishment Rules were framed in the year 1998. As per these Rules, each Town Panchayat shall constitute a separate unit for appointment. The petitioners in all the writ petitions were appointed for the posts under Basic Services with required educational qualification of 8th standard pass. There is another category of employment, namely, Trade Post with technical qualification namely non-provincialised post of Pipeline Fitter Grade I, Water Supply Fitter, Pump Mechanic, Pump Operator, Tube Well Mechanic, Meter Reader, Electrician Grade I, Electrician Grade II, Tractor Driver etc., These Technical Posts/ Trade Posts/non-provincialised posts require certain educational qualifications and certificates.

7.The learned Additional Advocate General further submits that the petitioners were appointed for the posts under the Basic Service only and the same does not require any technical qualification or any experience. The petitioners before this court are working either as OHT Operators or Helpers or Water Supply Watchmen. The petitioners were originally appointed vide G.O.Ms.No.72 Municipal Administration and Water Supply Department, dated 05.05.1998, on

consolidated pay and subsequently, their services were regularised and they were brought under time scale of pay in the year 2006 vide G.O.Ms.No.60, Rural Development and Panchayats Department, dated 23.06.2006. He also produced a list of the writ petitioners, their mode of appointment, educational qualification and their nature of work and the same is extracted hereunder:

Table - VI .1

S. No	WP(MD).No	Petitioner name	Educational qualification	As per G.O.	Scale of Pay	Post	U&R, No. / WMP, No
1	1465/2020	Mohandoss .T	10 th Fail	199	2550-3200	OHT Operator	2646/2021
2	1468/2020	Rajesh .S	8 th Pass	188	2550-3200	OHT Operator	2656/2021
3	1472/2020	Murugesan .S	8 th Pass	188	2550-3200	OHT Operator	2695/2021
4	1473/2020	Maryjohn .C	9 th Pass	198	2550-3200	OHT Operator	2630/2021
5	1481/2020	Revikumar .G	12 th Pass	196	2550-3200	OHT Operator	2612/2021
6	1533/2020	Stalin Raja .F	10 th Fail	198	2550-3200	OHT Operator	2637/2021
7	1584/2020	Jayamari .T	8 th Pass	198	2550-3200	OHT Operator	2667/2021
8	1531/2020	Rajesh Kumar .K	10 th Fail	198	2550-3200	OHT Operator	2643/2021
9	2020/2020	Girish Kumar.V.V	10 th Fail	198	2550-3200	OHT Operator	2998/2021
10	2022/2020	Joseph Steophen.T	10 th Pass	188	2550-3200	OHT Operator	3204/2021
11	2205/2020	Chandrasekhar .S	10 th Pass	188	2550-3200	OHT Operator	5393/2021
12	3003/2020	Anbazhagan .P	10 th Pass	188	2550-3200	OHT Operator	2640/2021
13	3004/2020	David Stanley .J	9 th Pass	198	2550-3200	OHT Operator	2635/2021
14	3005/2020	Rajendran .R	9 th Pass	198	2550-3200	OHT Operator	2656/2021
15	3007/2020	Dickson Jebasingh .S	8 th Pass	198	2550-3200	OHT Operator	2620/2021
16	3352/2020	Thomas .S	SSLC	198	2550-3200	Water Supply Watchman	2621/2021
17	3883/2020	George . V	6 th Std	198	2550-3200	Water Supply Watchman	2607/2021
18	3889/2020	Robert Raj. D	HSC Pass	128	2550-3200	Motor Operator	2660/2021
19	3893/2020	Krishnan .T	8 th Pass	72	2550-3200	Helper (Lineman/Wireman)	2595/2021
20	3904/2020	Rajakumar .T	6 th Std	198	2550-3200	Water Supply Maintenance	2631/2021

Table - VI .2

1	15881/2020	Alapilthai	SSLC	198	2550-3200	Motor Operator	10438/2021
2	15895/2020	Ramasamy	8 th Pass		2550-3200	Water Supply Watchman	10273/2021
3	16000/2020	Iyappan	BA	198	2550-3200	Water Supply Watchman	10263/2021
4	18006/2020	Manarajan	5 th Pass	198	2550-3200	OHT Operator	10284/2021
5	18224/2020	A.Babu Husain	SSLC Fail	72	2550-3200	Water Supply Watchman	9827/2021
6		P.Murugan	SSLC Fail	72	2550-3200	Helper (Lineman/Wireman)	9827/2021
7		V.Thiruvai	SSLC Fail	72	2550-3200	OHT Operator	9827/2021
8		S.Raman	SSLC Fail	72	2550-3200	Motor Operator	9827/2021
9		C.saki	SSLC Fail	72	2550-3200	Motor Operator	9827/2021



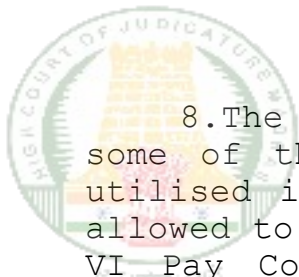
10	16927/2020	S.Nagoor Meeran	8 th Pass	72	2550-3200	Helper (Lineman/Wireman)	8734/2021
11		V.Ayyapasubramanian	SSLC Fail	72	2550-3200	OHT Operator	8734/2021
12		M.Perumal	SSLC Fail	72	2550-3200	Helper (Lineman/Wireman)	8734/2021
13		A.Varasai mohamed	8 th Pass	72	2550-3200	Helper (Lineman/Wireman)	8734/2021
14	19324/2020	Nagarajan	8 th Pass	198	2550-3200	OHT Operator	10286/2021
15	19329/2020	Malukkumali	9 th Fail	198	2550-3200	Water Supply Maintenance	10278/2021
16	19332/2020	Samuthiravel	SSLC Fail	198	2550-3200	OHT Operator	10288/2021
17	19335/2020	Madhavan	SSLC Fail	198	2550-3200	Motor Operator	10272/2021
18	19338/2020	Sorimuthu	8 th Pass	198	2550-3200	OHT Operator	10282/2021
19	19341/2020	Magesh	SSLC Fail	198	2550-3200	Water Supply Watchman	13400/2021
20	15988/2020	Chandran	8 th Pass	198	2550-3200	Motor Operator	10438/2021
21	16475/2020	Jose	SSLC	198	2550-3200	Water Supply Watchman	10541/2021
22	16483/2020	Palanisamy	SSLC Fail	198	2550-3200	OHT Operator	10542/2021
23	16490/2020	Sudheer	SSLC Fail	198	2550-3200	Motor Operator	10435/2021
24	16915/2020	Bahuleyyan&2 ors	SSLC Fail	198	2550-3200	Motor Operator	5290/2021
25		John mosas	SSLC Fail	198	2550-3200	OHT Operator	
26		Murugan	8 th Pass	198	2550-3200	OHT Operator	
27	16916/ 2020	Mohanlal	SSLC Fail	198	2550-3200	OHT Operator	10710/2021
28		Hari Kumar	10 th fail	198	2550-3200	OHT Operator	
29		Shanu	8 th pass	198	2550-3200	OHT Operator	
30	16917/2020	Krishnakumar	SSLC Fail	198	2550-3200	OHT Operator	10565/2021
31		Albert	SSLC Fail	198	2550-3200	OHT Operator	
32		Sri kumar	SSLC Fail	198	2550-3200	OHT Operator	
33		David Wilson	SSLC Fail	198	2550-3200	OHT Operator	
34		Chnsthu dass	SSLC Fail	198	2550-3200	OHT Operator	
35	16922/2020	Kumar	8 th Pass	198	2550-3200	OHT Operator	5296/2021
36		P.Chandran	10 th pass	198	2550-3200	Motor Operator	
37	16923/2020	Surendran	SSLC Fail	198	2550-3200	Motor Operator	5302/2021
38		R.Raj kumar	SSLC Fail	198	2550-3200	OHT Operator	
39		J.suresh kumar	SSLC Fail	198	2550-3200	OHT Operator	
40		Sundar singh	SSLC Fail	198	2550-3200	Motor Operator	
41	16925/2020	P.Vincent	SSLC	198	2550-3200	OHT Operator	11628/2021
42		S.Vinoth kumar	12 th fail	198	2550-3200	OHT Operator	



44		G.Benjamin	12 th fail	198	2550-3200	OHT Operator	
45		Sajan kumar	10 th fail	198	2550-3200	OHT Operator	
46	17700/2020	Y.Jasbir	10 th fail	198	2550-3200	OHT Operator	
47		Manikandan	SSLC Fail	198	2550-3200	Motor Operator	11629/2021
48		Edvin jayakumar	12 th Std	198	2550-3200	Motor Operator	11629/2021
49		S.Sivakumar	SSLC Fail	198	2550-3200	OHT Operator	11629/2021
50		C.Aji kumar	SSLC Fail	198	2550-3200	OHT Operator	11629/2021
51		A.David Raj	SSLC Fail	198	2550-3200	OHT Operator	11629/2021
52		John Bosco	SSLC Fail	198	2550-3200	OHT Operator	11629/2021
53		G.Shajimon	8 th std Fail	198	2550-3200	OHT Operator	11629/2021
54		T.Sasi	SSLC Fail	198	2550-3200	Motor Operator	11629/2021
55		Jayan	SSLC Fail	198	2550-3200	Motor Operator	11629/2021
56		Sreekumar	SSLC Fail	198	2550-3200	OHT Operator	11629/2021
57		V.M.Suresh Kumar	10 th std Fail	198	2550-3200	Motor Operator	11629/2021
58		Aseri	SSLC Fail	198	2550-3200	OHT Operator	11629/2021
59		Manoharan	SSLC Fail	198	2550-3200	OHT Operator	11629/2021
60		M.David Johnson	SSLC Fail	198	2550-3200	OHT Operator	11629/2021
61		T.Thansilas	SSLC Fail	198	2550-3200	Water Supply Maintenance	11629/2021
62		D.A.Richard Solomon	10 th Std	198	2550-3200	OHT Operator	11629/2021
63		V.Suresh kumar	9 th Std	198	2550-3200	OHT Operator	11629/2021
64		Kumaraswamy	SSLC	198	2550-3200	OHT Operator	11629/2021
65		Ruban	10 th Fail	198	2550-3200	Motor Operator	11629/2021
66		Pushparaj	SSLC Fail	198	2550-3200	OHT Operator	11629/2021
67		s.Rajesh	11 th Std ITI	198	2550-3200	Motor Operator	11629/2021
68		J.P.Jemin	SSLC Fail	198	2550-3200	Motor Operator	11629/2021
69		A.Christopher Jabasingh	12 th Std	198	2550-3200	Motor Operator	11629/2021

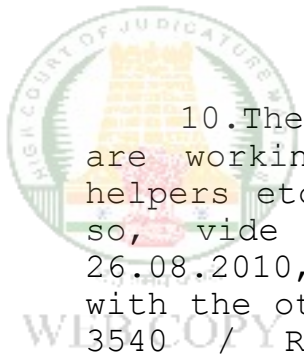
Table - VI .3

1	19324/2020	Nagarajan	8 th Pass	198	2550-3200	OHT Operator	10285/2021
2	19329/2020	Mglukkamali	9 th Fail	198	2550-3200	Water Supply Maintenance	10278/2021
3	19332/2020	Samuthiravel	SSLC Fail	198	2550-3200	OHT Operator	10285/2021
4	19335/2020	Madhavan	SSLC Fail	198	2550-3200	Motor Operator	10272/2021
5	19338/2020	Sorimuthu	8 th Pass	198	2550-3200	OHT Operator	10282/2021



8.The learned Additional Advocate General fairly submits that some of the employees, who were appointed on Basic Service were utilised in the Trade Posts depending upon the necessity and were allowed to continue in the post for some period. While implementing VI Pay Commission's recommendations, there were some issues and therefore, an official committee was constituted to examine the scale of pay and allowances of all category of employees of Government and Local Bodies. The Official Committee has recommended the revision of basic scale of pay of the employees on a "pay scale to pay scale basis". The committee has also recommended that the anomalies in the basic scale of pay pointed out by various employees association shall be examined by the Government separately. Based on the recommendations, One Man Committee was constituted vide G.O.Ms.No.444 Finance Department dated 26.08.2010 and the One Man Committee recommended to rationalise the trade posts with revision in their scale of pay and change of nomenclature of their posts as 'unskilled' employees. The Government accepted the said recommendations vide G.O.Ms.No.338 Finance (Pay Cell) Department dated 26.08.2010, refixing the scale of pay of the Technical categories (Trade Posts) in all Government / Local Bodies uniformly) redesignating them as 'unskilled' and 'semiskilled employees'. The Government has also directed that the trade posts with practical experience, ie., category of unskilled assistants shall become defunct as and when the existing incumbents vacates the posts. Further all future recruitments of the trade posts in all Government departments / local bodies shall be made to the post of Skilled Assistant Grade - II (Entry Level post) from among the I.T.I certificate holders. This Government order was misunderstood and communication was made on 10.06.2013 and all these petitioners were paid on par with the unskilled workers even though they are discharging the duty of Basic Service. This mistake was detected only during the audit objections in the year 2020 and subsequently clarification has been issued by the Director of Municipal Administration vide his letter dated 21.10.2020 and accordingly the respondent Panchayats have revised the scale of pay. According to the learned Additional Advocate General, the petitioners, who are working as watchman and overhead operators in the Basis Service were wrongly treated on par with unskilled employees in the Trade Posts and no salary was paid to the petitioners and therefore, the scale of pay wrongly fixed were revised and recovery was also ordered. The learned Additional Advocate General fairly accepts that in view of the decision of the Hon'ble Apex Court in **Rafiq Masih (White washers case)** there shall not be any recovery from the Group D Employees and accordingly they are not insisting for recovery of the amount paid in excess.

9.This Court paid its anxious consideration to the rival submissions and perused the materials placed on record.



10.The petitioners, who were appointed several years ago, are working as a watchmen, overhead operators, pump operators, helpers etc., and they are governed by the Basic services. While so, vide G.O.Ms.No.338, Finance (Pay Cell) Department dated 26.08.2010, the scale of pay of the petitioners were revised on par with the other grade posts as RS.2750-4400/- Rs.2650-4400/ Rs.2610-3540 / Rs.2550-3200 by treating them as unskilled category employees.

11.The petitioners are in class 3 categories with a minimum qualification of pass in 8th standard. The services like Pump Operator, Pump Mechanic, Meter Reader requires qualification of ITI with certain experience. Similarly, for the post of Pipe Line Fitter Grade-I and Water Supply Fitter, a certificate of competency granted under the authority of Government of Tamil Nadu is required. Similarly, for the post of Meter Reader and Electrician Grade-I, qualification of SSLC along with the Certificate of ITI instrument Mechanic or a Certificate in Electric Wiring issued by polytechnic respectively is required. These categories of posts are termed as non Provincialised Posts.

12.Due to the vacancies, some of the workers in the Basic Services were utilized in the Non Provincialised Posts over a period of 10 years and above and the one man Commission recommended to rationalize the trade posts with the revision in their scales of pay with re-designation as Supervisors, Special Artisans, Skilled Assistant grade-I, Skilled Assistant Grade-II and Unskilled Trade Posts.

13.The Government, while accepting the said recommendations vide G.O.MS.No.338, Finance Department dated 26.08.2010 has also directed that the Posts with practical experience i.e., the category of Unskilled Assistants shall become defunct as and when the existing incumbents vacate the posts. Further, all future requirements to the Trade Posts in all the Government Departments / Local bodies shall be made to the post of Skilled Assistant Grade-II (entry level posts) from among the ITI certificate holders. The one man Commission has recommended to designate those basic servants in Unskilled Trade Posts based on their experience in their respective trade posts and also recommended that the Unskilled Trade Posts shall become defunct as and when the existing incumbents vacate the posts.

14.Therefore the petitioners who are appointed as in basic Service as Overhead Tank Operators with 8th standard qualification are not entitled to the scale of pay on par with the skilled



Assistant Grade II. However, their scales have been fixed on wrong understanding of the Government Order in G.O.Ms.No.338, Finance (Pay Cell) Department and the communication by the Director of Town Panchayat in his letter DTP Letter Roc.No.21256/2012/A3 dated 10.06.2013.

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15. The director of Local Fund Audit has pointed out the anomaly that these other Trade Posts (Unskilled) could not be treated as Technical Posts as they do not involve any Technical Skill and qualification and therefore higher scale of pay could not be allowed to continue to such non technical categories. Accordingly, the Director of Municipal Administration vide his letter dated 10.06.2013 detected the other Trade Posts in the pre revised scale pay of Rs.2750/- 4400 Rs.2650-440/- Rs.2610-3540/ Rs.2550-3200 redesignated as Unskilled, viz., Helper (Street Light Maintenance), Helper (Water Supply), OHT Operator, Motor Operator, Watchman, Water Supply Maintenance Operator, Hand Pump Maintenance, Pump Cleaner as per the Government Order in G.O.Ms.No 234, Finance (Pay cell) Department, dated 01.06.2009. Even thereafter, the petitioners were paid a grade pay of Rs.1900/- and therefore the grade pay of the petitioners fixed under the proceedings dated 10.06.2013 were cancelled by proceedings dated 07.10.2020 and directed to revise the scale of pay with effect from 01.10.2020. However, as per the guidelines issued by the Hon'ble Apex court on recovery of excess pay in **Rafiq Masih (White washers case)**, the Director by the impugned letter dated 21.10.2020 directed to revise the scale of pay, but not to recover the excess pay, since the petitioners are working in the class D service.

16. A similar writ petition filed in W.P(MD)No.669 of 2018 was disposed of by this Court in the following terms:

"A water supply Assistant of Palamedu Town Panchayat Challenged similar order of recovery allegedly paid in excess of him, was challenged in WP(MD)No.669 of 2018. That the writ Petition disposed as follows,

For a decision on whether the re-fixation is proper, the 2010, 2012 and 2015 proceedings are to be reconciled. A copy of audit objection has not been placed on file. However, proceedings dated 21.05.2015 refers to the objection to the effect that certain posts classified under the category 'other trade posts' (unskilled) in the annexure to the 2012 letter cannot be considered as technical posts as they do not involve technical skill and therefore, higher category of pay cannot be granted to such categories.

17. A division Bench of this court in W.A(MD)Nos.640 to 645 of 2021, dated 01.07.2021 has dealt with the similar issue and has held

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as follows:

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"1.Considering the fact that the pay fixation was only in respect of persons manning technical posts with ITI qualification and the benefit was granted by the Government which was implemented by the appellant Municipality, by virtue of it, the revised scale of pay was given notionally with effect from 01.01.2006 with monetary effect from 01.08.2010 and admittedly writ petitioners were not holding any technical posts, they were Tank Watchman, Tank Cleaner, Park watchman and Bus Stand Watchman etc., which are all admittedly non technical posts and the respondents-writ petitioners cannot be heard to say that despite not possessing ITI qualification, they will be entitled to revised scale of pay. Therefore, even though the recovery may cause financial difficulties to the respondents-writ petitions, taking note of the fact that more than fifty percent of the amount had already been recovered from the respondents-writ petitioners, we find that the orders of recovery ought not to have been interfered by the learned Writ Court.

2. The Municipality is operating the public funds and tax-payers money. They discharging Constitutional Obligation cast upon them and they are bound to render services to all citizens without any discrimination. Therefore, to state that the Municipality should absolve the loss can never be accepted. There can be no universal application of the principle that every wrong payment though deducted later can never be recovered from the person who enjoyed the unintended benefit, as rightly pointed out by the learned counsel appearing for the appellant that it would set a very bad precedent. Apart from that the Municipality can never recover the amount and it will be always shown as outstanding and this will have other cascading effect which would not be in public interest.

3. Therefore, for all the above reasons, we are of the clear view that the learned Writ Court committed an error in interfering with the order of recovery.

4. In the result, these Writ Appeals are allowed and the writ petitions are dismissed and the



order impugned in the writ petition is held to be valid."

18. The doctrine of equal pay for equal work depends upon various factors such as nature of work, requisite qualification, source and manner of appointment etc..

19. Admittedly the petitioners are not working in any Trade Posts. However, the Grade pay was fixed in the year 2013 based on G.O.Ms.No.338, Finance(Pay Cell) Department and some of the similarly placed persons, who were working in the Trade Posts treated as unskilled workers were provided with the Grade Pay equivalent to Skilled Assistant Grade II. Only at a later point of time, this mistake has been identified by the local fund audit and the same was corrected by the impugned proceedings. This impugned order passed by the Director is also concurred by the Government. The Petitioners had never worked in any Trade Posts and therefore, their posts cannot be treated as skilled Trade Posts and therefore they are not entitled to a Grade Pay equivalent to other trade posts.

20. Accordingly, the writ petitions are partly allowed that there shall not be any recovery of the amount, which has already been paid to the petitioners. However the orders impugned in these Writ petitions are held to be valid. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

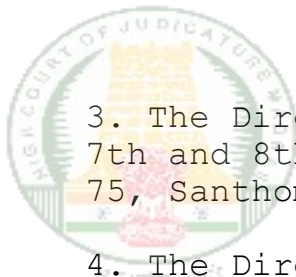
Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

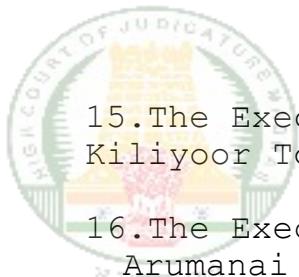
To

1. The Secretary, The State of Tamilnadu
Finance Department, Fort.St.George, Chennai -600 009.

2. The Secretary, The State of Tamilnadu
Municipal Administration and Water Supply Department,
Fort.St.George, Chennai -600 009.



3. The Director of Town Panchayats
7th and 8th Floors, Urban Administrative Office Campus,
75, Santhome High Road, Raja Annamalaipuram, Chennai.
4. The Director, Local Fund Audit,
Integrated Complex For Finance Department,
5th Floor, Saidapet, Animal Husbandry Hospital Campus,
Nandanam, Chennai -35.
5. The Assistant Director of Town Panchayats
Nagercoil Zone, Nagercoil, Kanyakumari Dt.
6. The Executive Officer,
Marungur Town Panchayat, Marungur,
Kanyakumari District.-629 402
7. The Executive Officer,
Thiruvithancode Town Panchayat, Thiruvithancode,
Kanyakumari District.-629 402
8. The Executive Officer,
Pathamadai Special Grade Town Panchayat, Pathamadai,
Tirunelveli District.
9. The Executive Officer,
Thiruparappu Selection Grade Town Panchayat,
Thiruparappu, Kanyakumari District.
10. The Executive Officer,
Alwarkurichi Town Panchayat,
Alwarkurichi, Tenkasi District.
11. The Executive Officer,
Kalidaikurichi Special Grade Town Panchayat,
Kalidaikurichi, Tirunelveli District.
12. The Executive Officer,
Kalakad Special Grade Town Panchayat,
Kalakad, Tirunelveli District.
13. The Executive Officer,
Verkilambi First Grade Town Panchayat, Kallankuzhi Post,
Kanyakumari District.
- 14.. The Executive Officer,
Nallur First Grade Town Panchayat, Marthandam
Kanyakumari District.



15.The Executive Officer,
Kiliyoor Town Panchayat, Kanyakumari District.

16.The Executive Officer,
Arumanai First Grade Town Panchayat,
Arumanai Post , Kanyakumari District.

17. The Executive Officer Edaikode First Grade Town Panchayat ,
Edaikode Post ,
Kanyakumari District.

18. The Executive Officer Unnamalaikadai First Grade Town Panchyat ,
Virikodu ,
Kanyakumari District.

19. The Executive Officer Kulashekaram Selection Grade Townn
Panchayat ,
Kulashekaram, Kanyakumari District.

20. The Executive Officer Vadaku Valliyoor Special Grade Town
Panchayat ,
Vadaku Valliyoor , Tirunelveli District.

21. The Executive Officer Panakudi Special Grade Town Panchayat ,
Panakudi , Tirunelveli District.

22. The Executive Officer Ezhudesam First Grade Town Panchayat ,
Kanjampuram, Kanyakumari District.

23. The Executive Officer Pazhukal First Grade Town Panchayat ,
Pazhukal,
Kanyakumari District.

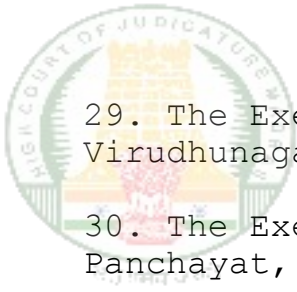
24. The Executive Officer Thiruvattar Grade I Town Panchayat,
Kanyakumari District.

25. The Executive Officer Kollamcode Grade I Town Panchayat,
Kanyakumari District.

26. The Executive Officer Athur Grade II Town Panchayat,
Kanyakumari District.

27. The Executive Officer Kulasekaram Selection Grade Town
Panchayat,
Kanyakumari District.

28. The Executive Officer Cheranmahadevi Selection Grade Town
Panchayat,
Cheranmahadevi, Tirunelveli District.



29. The Executive Officer Sundarapandiam Grade I Town Panchayat,
Virudhunagar District.

30. The Executive Officer Vathirayiruppu Selection Grade Town
Panchayat, Kanyakumari District.

31. The Executive Officer Mamsapuram Grade I Town Panchayat,
Kanyakumari District.

- + 2 cc to Mr.G.Anton Prince SR Nos.1217 & 1218
- + 5 cc to Mr. T.Lajapathi Roy SR Nos.1106, 1108, 1109,1114 & 1116
- + 1 cc to Mr.K.R.Narayankumar for Mr.A.Balakrishnan SR No.1102
- +1 cc to the Spl Govt Pleader SR No.1519

**W.P (MD) Nos. 2205, 3352, 15981,
15988 15995, 16000, 16006, 16475,
16483, 16490, 16906, 16915,
16916, 16917 16922, 16924, 16927,
16923, 16925, 17700, 19324,
19329, 19332, 19335, 19338,
and 19341 of 2020
and 1286 of 2021**

10.01.2022

RD(22.06.2022) 39P 41C