



W.P.(MD)Nos.3991 and 3993 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.3991 and 3993 of 2020

Bagavathi Subramaniam

... Petitioner in
W.P.(MD)No.3991 of 2020

Venkataraman

... Petitioner in
W.P.(MD)No.3993 of 2020

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary,
Finance Department,
Fort St.George,
Secretariat, Chennai - 600 009.
 2. The Principal Accountant General (A&E) Tamil Nadu,
361, Anna Salai,
Chennai - 600 018.
 3. The Director,
Directorate of Technical Education,
Guindy, Chennai - 600 025.
 4. The Principal,
Government Engineering College,
Tirunelveli - 7, Tirunelveli District.
- ... Respondents
in both W.Ps'



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COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to proceedings of the Director, Directorate of Technical Education, Chennai, the third respondent in and by his Letter Nos.37472/A5/2014-2 and 37472/A5/2014-1 respectively dated 23.01.2020 and quash the same and directing the respondents herein to fix the pay of the petitioners in the scale of pay meant for the selection grade Artisan Grade II, i.e., 9000-34800+GP4200 and to take into account the said scale of pay for fixing their revised basic pay in the Tamil Nadu Revised Pay Rules, 2017 and consequently to revise their monthly pension with all monetary benefits and arrears of amount due to the petitioners.

For Petitioners
in both W.Ps' : Mr.V.Kannan

For Respondents
in both W.Ps' : Mr.T.Amjadkhan
Govt. Advocate for R1, R3 &R4
Mr.P.Gunasekaran
Standing Counsel for R2

COMMON ORDER

This Writ Petition has been filed to call for the records pertaining to proceedings of the Director, Directorate of Technical Education, Chennai, the third respondent in and by his Letter Nos.37472/A5/2014-2 and 37472/A5/2014-1 respectively dated 23.01.2020, quash the same and to direct the respondents herein to fix the pay of the petitioners in the scale of pay meant for the Selection Grade Artisan Grade II, i.e.,



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9000-34800+GP4200 and to take into account the said scale of pay for fixing their revised basic pay in the Tamil Nadu Revised Pay Rules, 2017 and consequently to revise their monthly pension with all monetary benefits and arrears of amount due to the petitioners.

2. The petitioners made representations for claiming for revised scale of pay meant for the Selection Grade Artisan Grade-II, i.e., Rs.9300-34800+GP4200, whereas, the respondents rejected the petitioners' claim. Challenging the same, the present Writ Petitions.

3. The learned counsel appearing for the petitioners submitted that the posts which were held by the petitioners, were categorized by five groups, vide G.O.Ms.No.338, Finance (Pay Cell) Department, dated 26.08.2010, whereas the petitioners' post was placed in Group-4 category and fixed scale of pay of Rs.5200-20200+1900 and revised scale of pay + grade pay was fixed at Rs.5200-20200+2000 and subsequently, revised as Rs.5200-20200+G.P.2400.



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4. The learned Government Advocate appearing for the respondents submitted that as per the Government Order in G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009, the corresponding pay to the ordinary grade of the post held by the petitioners is Rs.5400-20200+G.P. 1900 (Pre-revised Rs.3050-75-3950-80-4590). Based on the recommendations of One Man Commission, 2010, in order to have uniformity between categories of posts in different departments, orders have been issued in G.O.Ms.No.338, Finance (Pay Cell) Department, dated 26.08.2010, wherein trade posts with ITI qualification, Supervisory Posts with Diploma qualification and Semi Skilled and Unskilled posts without ITI qualification were grouped and rationalized into five categories with the condition that, in future, appointments have to be made only with ITI qualification and with a saving clause to protect the existing incumbents who are getting higher pay for a post beyond the prescribed scale of pay and who are having lesser qualification than that prescribed for a post. Accordingly, the Government direct that the scale of pay of the Technical Categories (Trade Posts) in all Government Departments / Local Bodies shall be uniformly revised and re-designated as shown below:



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Sl. No.	Name of the Post	Existing Scale of Pay + Grade pay (Rs.)	Revised Scale of Pay + Grade Pay (Rs.)
1	Supervisory Posts in the pre-revised scale of pay of Rs.4500-7000 re-designated as Supervisor	5200-20200+2800	9300-34800+4200
2	Special Grade Trade Posts in the pre-revised scale of pay of Rs.4300-6000 re-designated as Special Artisan	5200-20200-2600	5200-20200+2800
3	Grade-I (promotion posts) in the pre-revised scale of pay of Rs.4000-6000 re-designated as Skilled Assistant Grade-I	5200-20200+2400	5200-20200+2600
4	Grade-II (entry level posts) in the pre-revised scale of pay of Rs.3050-4590 re-designated as Skilled Assistant Grade-II	5200-20200+1900	5200-20200+2000
5	Other Trade Posts in the pre-revised scales of pay of Rs.2750-4400 Rs.2650-4000 Rs.2610-3540 Rs.2550-3200 re-designated as Unskilled	5200-20200+1800 4800-10000+1650 4800-10000+1400 4800-10000+1300	5200-20200+1900



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5. Accordingly, the scale of pay of the post held by the petitioners has been revised as Rs.5200-20200+G.P.-Rs.2000 from Rs.5200-20200+G.P.Rs.1900 and classified as Entry Level Trade Post, i.e., Skilled Assistant Grade-II. Further, on recommendation of Pay Grievance Redressal Cell, the scale of pay of Rs.5200-20200+G.P.2000 has been revised as Rs.5200-20200+G.P.2400 vide G.O.Ms.No325, Finance (Pay Cell) Department, dated 22.07.2013 notionally with effect from 01.01.2009 and monetary benefit from 01.04.2013. As per the Government Letter No.63305/Pay Cell/2010-1, Finance (PC) Department, dated 08.11.2010, the Government have prescribed Selection Grade and Special Grade Scale of Pay in respect of Ordinary Grade Pay of each post. In Annexure-1 of the said Government Order, Rs.9300-34800+G.P.4200 and Rs.9300-34800+G.P.4400 have been prescribed as Selection Grade and Special Grade Scale of Pay respectively in respect of the Ordinary Grade Scale of Pay of Rs.5200-20200+G.P.2400.

6. Considering the above submissions and taking into account the terms of G.O.Ms.No.338, Finance (Pay Cell) Department, dated 26.08.2010,



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liberty is granted to the petitioners to challenge G.O.Ms.No.338, Finance (Pay Cell) Department, dated 26.08.2010.

7. Accordingly, these Writ Petitions are dismissed with liberty to the petitioners to challenge G.O.Ms.No.338, Finance (Pay Cell) Department, dated 26.08.2010, in the manner known to law, if so advised. No costs.

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Index : Yes / No

Speaking Order : Yes / No

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To

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Government of Tamil Nadu,
Finance Department,
Fort St.George,
Secretariat,
Chennai - 600 009.
2. The Principal Accountant General (A&E) Tamil Nadu,
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