



W.P(MD)No.4500 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.4500 of 2020

G.Vellaipandian

... Petitioner

Vs.

1. The Accountant General (A & E),
Office of the Accountant General,
No.361 Anna Salai,
Chennai-18.
2. The Secretary to Government,
School Education Department,
Fort St. George,
Chennai-009.
3. The Director of School Education,
College Road,
Chennai-006.
4. The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
5. The District Educational Officer,
Cheranmahadevi Educational District,
Cheranmahadevi,
Tirunelveli District.



W.P(MD)No.4500 of 2020

6. The Director,
Pension Payment Directorate,
No.259, Annasalai, Block 3,
II Floor, DMS Compound,
Teynampet,
Chennai-6.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus to Call for the records relating to the order passed by the 5th respondent rejecting the petitioner's claim in his proceedings in O.Mu. 1661/A4/2019, dated 17.12.2019 and quash the same and directing the respondents to pay selection grade revised scale of pay and arrears from 03.6.2009 to 31.5.2019 and revised pension and monitory benefits from 01.6.2019 to till date with interest to the petitioner.

For Petitioner	: Mr.T.Selvam
For R-1	: Mr.P.Gunasekaran, ACGSC
For R-2 to R-6	: Mr.S.Shaji Bino, Special Government Pleader

ORDER

This writ petition has been filed to quash the impugned order passed by the 5th respondent rejecting the petitioner's claim in his proceedings in O.Mu.1661/A4/2019, dated 17.12.2019 and to direct the respondents to pay selection grade revised scale of pay and arrears from



W.P(MD)No.4500 of 2020

03.6.2009 to 31.5.2019 and revised pension and monitory benefits from 01.6.2019 till date with interest to the petitioner.

2. The case of the petitioner is that he joined duty on 21.12.1985 as Watchman under the scale of Rs.450 + DA. Subsequently, he was promoted as Record Clerk on 14.06.1990 in the scale of pay of Rs.800 + DA., and subsequently, promoted as Laboratory Assistant on 03.06.1999 in the scale of pay of Rs.3050 + 75 + 3950 + 80 + 4590. Subsequently, his pay was revised in the scale of pay of Rs.9470/- with effect from 01.01.2006. Finally, he received the pay scale of Rs.39700/- + DA as Level 8 stage 25. He has attained the age of superannuation on 31.05.2019.

3. The grievance of the petitioner is that he is entitled to receive the Selection Grade scale of pay from 03.06.2009 as Rs.9300 -34800 + GP 4200. But, the fifth respondent had given increment only as 3% + 3 % and he had received only Rs.11330 + DA. Therefore, he has sent a representation to the Secretary of the School on 06.10.2014. The Secretary of the School forwarded the same to the fifth respondent, who



W.P(MD)No.4500 of 2020

in turn, rejected the petitioner's request vide the impugned order.

Hence, challenging the same the petitioner has filed this writ petition with the aforesaid prayer.

4. The learned counsel appearing for the petitioner would submit that though inadvertently the petitioner made a claim before the Secretary of the School claiming Selection Grade, which was forwarded to the fifth respondent, the claim was to be made for Special Grade as the petitioner was promoted as Library Assistant on 03.06.1999, after ten years of service, he was awarded with Selection Grade ie., on 03.06.2009 and on 31.05.2019, the petitioner attained the age of superannuation ie., three days prior to the date for awarding Special Grade and therefore, he prayed for allowing of this writ petition and to issue a direction to the respondents to award Special Grade and to pay the revised pension and monitory benefits from 01.6.2019 till date with interest to the petitioner.

5. The learned Special Government Pleader appearing for the respondents 2 to 6, would submit that in Government Letter No. 63305/paycell/2010-1 Finance (Paycell) Department, dated 08.11.2010, it



W.P(MD)No.4500 of 2020

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is specifically ordered that the revised Selection Grade/Special Grade scales of pay is not applicable to the employees moving to Selection Grade/Special Grade posts on or after 01.06.2009 since these employees are awarded Selection Grade/Special Grade directly in the revised scales of pay and they are entitled for one increment benefit equal to 3% of basic pay plus grade pay on the date of award of Selection Grade/Special Grade as ordered in G.O.Ms.No.234 Finance (PC) Department, dated 01.06.2009. Later as per G.O.Ms.No.237 Finance (PC) Department, monetary benefit for Selection Grade/Special Grade in the revised scales of pay is revised from 3% of basic pay plus Grade pay to 3% + 3%. Accordingly, the petitioner is not entitled for fixation of pay in the revised scale of pay of Rs.9300-34800+Grade Pay of Rs.4200. If anybody was granted inapplicable scale of pay of Rs.9300-34800+GP 4200 by furnishing wrong claim, the illegal fixation of pay could not be extended to the petitioner and therefore, prayed for dismissal of this writ petition.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



W.P(MD)No.4500 of 2020

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7. Admittedly, the petitioner entered into service as a Watchman in the year 1985. Subsequently, he was promoted as Record Clerk on 14.06.1990 and subsequently, promoted as Laboratory Assistant on 03.06.1999. The grievance of the petitioner is that he was not granted with the Selection Grade pay and hence, he made a representation for revision of pay fixation. Since, the same was rejected, the petitioner has filed this writ petition.

8. However, now the learned counsel appearing for the petitioner would submit that the petitioner was granted with the Selection Grade on 03.06.2009 and he retired from service on attaining the age of superannuation on 31.05.2019, ie., three days prior to the completion of 20 years of service in the same cadre and hence, he has to be granted with Special Grade.

9. However, the fact remains that the petitioner is entitled for Selection Grade after ten years of service and as such, he was awarded with the Selection Grade on 03.06.2009 and his pay was also fixed as per Rules. However, he is not entitled for Special Grade as he retired from



W.P(MD)No.4500 of 2020

prior to the crucial date ie., 03.06.2019., and hence, the request of the petitioner cannot be granted. Further, as per the relevant Government Orders/Rules only the pay was fixed by the respondents and therefore, the fifth respondent has rightly rejected the claim made by the petitioner and hence, there is no illegality in the order passed by the fifth respondent.

In the result, this writ petition is dismissed. No Costs. However, the respondents are directed to pay the eligible monetary benefits to the petitioner, if not paid.

12.12.2022

Index: Yes/No

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To:

- 1.The District Educational Officer,
Musiri, Trichy District.
- 2.The Block Educational Officer,
Musiri, Trichy District.



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W.P(MD)No.4500 of 2020

M.DHANDAPANI, J.

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W.P.(MD)No.4500 of 2020

12.12.2022