



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2022

CORAM:

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No.23120 of 2021

and

WMP (MD) No.19568 of 2021

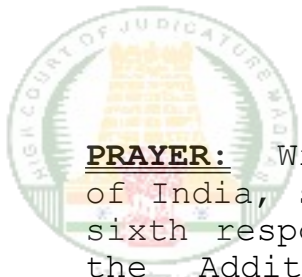
- 1.T.Vijaya Kumar
- 2.M.Shanmugavelu
- 3.M.Mugamathu Abubakkar Siththik
- 4.N.Rajendran
- 5.M.Aasin
- 6.A.Karpooram
- 7.S.Pandi
- 8.K.Mohan
- 9.K.Mohan
- 10.K.Sonai
- 11.M.Muthukannan
- 12.K.Rajendran
- 13.A.Jeyapragasam

... Petitioners

Vs

- 1.Finance (Pay Cell) Department rep by
The Principal Secretary to Government of Tamilnadu
St.George Fort, Chennai - 9.
- 2.Tamilnadu Fire and Rescue Services Department,
Rep by the Secretary to Government of Tamilnadu,
St.George Fort, Chennai -9.
- 3.The Pension Payment Officer,
Chennai.
- 4.The Accountant General (AE),
Government of Tamilnadu,
Chennai - 18.
- 5.The District Officer,
Fire and Rescue Services,
Madurai Division.
- 6.The Director General of Police,
and the Director of Fire and Rescue Services,
No.17, Rukmani Lakshmipathy Road,
Esplanade, Chennai - 18.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the sixth respondent to pass order based on the recommendation made by the Additional Secretary to Government, Finance (Pay Cell) Department, Secretariat, Chennai-9, in their letter No.9152/PC/2012-1, dated 17.02.2012, based on the representation sent by the petitioners on 12.10.2021 and may consequently direct the respondents 3 and 4 to disburse the pension benefits to these petitioners with accrued arrears from 01.01.2007.

For Petitioners : Mr.G.Kasinathadurai

For R1 to R3 & : Mr.P.T.Thiraviam,
R5 & R6 Government Advocate

For R4 : Mr.P.Gunasekaran

O R D E R

This writ petition is filed for a Mandamus, to direct the sixth respondent to disburse the pension benefits to the petitioners, based on the recommendation made by the first respondent and also considering the representation of the petitioners, dated 12.10.2021.

2.The case of the petitioners is that they were originally appointed as 'Firemen' and subsequently, promoted as 'Fireman Drivers'. Ultimately, they had retired from their respective services as 'Driver Mechanics'. The grievance of the petitioners is that the posts of 'Fireman Drivers' and its promotion post of 'Fireman Mechanic' carries equal scales of pay and therefore, they seek for a fixation of the selection grade scale of pay of the Fireman drivers on par with the drivers working in other Government Departments. The impugned order is the rejection of the petitioners' request for payment of revised pension.

3.Today(03.01.2022), when the matter is taken up for hearing, the learned counsel appearing for the petitioners brought to the notice of this Court that similarly placed persons have already approached this Court in W.P.(MD) Nos.1427 to 1429 of 2018 and this Court, by order dated, 11.02.2020 passed an order, directing the sixth respondent to take further course of action, on the recommendation made by the Additional Secretary to Government, Finance (Pay Cell) Department, Secretariat, Chennai -9, in their letter No.9152/PC/2012-1, dated 17.02.2012, and pass appropriate orders, thereby set right the anomaly among the posts of Fireman Driver and Driver Mechanic. He further submits that the petitioners are also entitled for the same relief granted to the similarly placed persons.

4. The learned Government Advocate appearing for the respondent 1 to 6 has not raised any serious objections on the



submissions made by the learned counsel appearing for the petitioners.

5.This Court paid its anxious consideration to the submissions made by either side counsel and also perused the materials placed on record.

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6.As pointed out by the learned counsel appearing for the petitioner, similarly placed persons have already approached this Court and this Court in W.P.(MD) Nos.1427 to 1429 of 2018, dated, 11.02.2020 passed an order as under:-

"5.On appraisal of the issue involved in the instant case, it is patently clear that when both the posts of Driver Mechanic and Fireman Driver are similar in nature and when there was no regulations differentiating these two posts, there cannot be discrepancies in the pay scales between these two posts. By taking note of these facts, the Government had also rightly recommended to the Director General of Police and the Director of Fire and Rescue Services, for merging of these two posts and thereby fix the selection Grade Scale of Pay of Fireman Drivers, on par with the Drivers working in the other Government Departments. Though the petitioners are among the similarly placed employees of the Fire and Rescue Services throughout the state, not many of them have come forward before this Court to redress their grievances."

7.In view of the above, this Court, without expressing anything on the claim made by the petitioners, directing the sixth respondent to pass orders on the representations of the petitioners, in the light of the order passed by this Court in W.P.(MD) Nos.1427 to 1429 of 2018, dated 11.02.2020 and also considering the recommendation made by the Additional Secretary to Government, Finance (Pay Cell) Department, Secretariat, Chennai -9, in their letter No.9152/PC/2012-1, dated 17.02.2012, within a period of twelve weeks from the date of receipt of a copy of this order.

8.Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

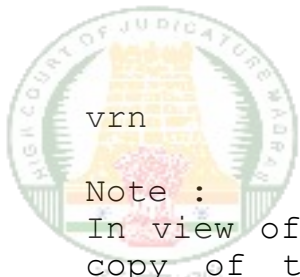
Sd/-

Assistant Registrar (CSI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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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.Finance (Pay Cell) Department rep by
The Principal Secretary to Government of Tamilnadu
St.George Fort, Chennai - 9.

2.Tamilnadu Fire and Rescue Services Department,
Rep by the Secretary to Government of Tamilnadu,
St.George Fort, Chennai -9.

3.The Pension Payment Officer,
Chennai.

4.The Accountant General (AE),
Government of Tamilnadu,
Chennai - 18.

5.The District Officer,
Fire and Rescue Services,
Madurai Division.

6.The Director General of Police,
and the Director of Fire and Rescue Services,
No.17, Rukmani Lakshmipathy Road,
Egmore, Chennai - 18.

+1 CC to M/s.SPL.GP (SR-189[F] dated 04/01/2022)

+1 CC to M/s.KASINATHADURAI, Advocate (SR-442[F] dated 05/01/2022)

Order made in
W.P (MD) No.23120 of 2021
and
WMP (MD) No.19568 of 2021
03.01.2022

PKP/25.02.2022/4P/9C