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W.A.Nos.373 to 473 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.04.2023**

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

W.A.Nos.373 to 473 of 2015

W.A.No.373 of 2015:

S.P.Jayakumar

... Appellant

versus

1.The State of Tamil Nadu
represented by its Secretary,
Finance (Pay Cell) Department,
Fort St. George,
Chennai - 600 009.

2.The Joint Director,
Health Department,
Head Quarters Hospital,
Kancheepuram.

... Respondents

Prayer in W.A.No.373 of 2015: Writ Appeal filed under Clause 15 of Letters Patent, pleased to set aside the impugned orders passed by the Writ Court in W.P.No.18770 of 2013 and consequently direct the respondents to fix the Scale of the appellant as per G.O.Ms.No.162, Finance (Pay Cell) Department dated 13.04.1998, the Ordinary Scale of Pay as Rs.4000-6000, Selection Grade of Pay as Rs.5000-8000 and Special Grade of Pay as Rs.5500-9000 and consequent refixation of pensionary benefits within a specified time frame that may be fixed by this Court.



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For Appellant : No Appearance
in all W.A's

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For Respondents : Mrs.S.Anitha,
Special Government Pleader
in W.A.Nos. 373 to 397 of 2015
Mr.L.S.M.Hasan Fizal,
Additional Government Pleader
in W.A.Nos.398 to 418 of 2015
Mr.Manoharan,
Additional Government Pleader
in W.A.Nos.419 to 434 of 2015
Mr.R.Krishnaraja
Additional Government Pleader
in W.A.Nos.435 to 449 of 2015
Mr.P.Anandakumar
Government Advocate
in W.A.Nos.450 to 473 of 2015

COMMON JUDGMENT

(made by D.KRISHNAKUMAR, J.)

Today, when these batch of Writ Appeals are posted, none appeared for the appellants.

2. The appellants have filed the present Writ Appeals against the common order passed by the Writ Court, dismissing the Writ petitions filed by the writ petitioners/appellants by following the various decisions and more particularly the decision of the Hon'ble Apex Court in ***Union of India vs Shri Banwar Lan Mundan, reported in***



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(2013) 6 MLJ 736 (SC). Assailing the said common order, the appellants have preferred the present Writ Appeals before this Court by raising the ground that they are entitled for the revision of scale of pay at Rs.5000-150-8000 and Rs.5500-175-9000 for Selection Grade and Special Grade respectively, on the basis of the VI Pay Scale Recommendation (Revised pay Rules) as ordered in G.O.Ms.No.162 Finance (Pay Cell Department) dated 13.04.1998.

3. The learned Special Government Pleader, appearing for the respondents is relying upon a recent decision of the Hon'ble Supreme Court in the case of **P.Singaravelan & Ors. Etc vs The District Collector, Tiruppur, in C.A.Nos.9533 to 9537 of 2019 dated 18.12.2019**, wherein a similar issue was raised and the same was elaborately considered. The relevant paragraphs in the said judgment of the Hon'le Apex Court are extracted below:

" 20.In our considered opinion, apart from claiming parity with similarly placed individuals, the appellants have been unable to justify how and why they are entitled to the Selection Grade and Special Grade pay scales of Rs.5000-8000 and Rs.5500-9000 as specified in Serial No.8 of Schedule II to the 1998 Rules, in terms of G.O.Ms.No.162. On the other hand, on perusing the series of revisions made to the pay scales applicable to drivers employed with the State Government, we find that the applicable pay scales for the



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Selection Grade and Special Grade would be as per Serial No.6 of Schedule II to the 1998 Rules, i.e.Rs.4000-6000 and Rs.4300-6000 respectively.

20.1.As the High Court has also noted in the impugned judgment, the pay scales of the appellants can be traced back to G.O.Ms.No.666, Finance dated 27.06.198, by which the State Government issued the Tamil Nadu Revised Scales of Pay Rules,1989, implementing the recommendations of the Vth Tamil Nadu Pay Commission. Under these rules, the original and revised pay scales of 30 common categories of posts were specified. The scale of pay for drivers was mentioned at Serial No.11 in the first part of the Schedule to these rules,having been revised from Rs.610-1075 to Rs.950-1500.

20.2.The next revision came through G.O.Ms.No.818, Finance, dated 09.09.1989, whereby drivers' pay scale was increased to Rs.975-1660. Later, under G.O.Ms.No.304, Finance dated 28.03.1990, Special Grade and Selection Grade scales of pay were introduced for persons who had completed 10 years and 20 years of service respectively. For the post of drivers carrying the Ordinary Grade pay scale of Rs.975-1660, the Selection and Special Grade brackets were set as Rs.1200-2040 and Rs.1320-2040 respectively.

20.3.Finally, when the 1998 Rules were introduced through G.O.Ms.No.162, the post-wise determination of pay scales was replaced by a pay scale-to-pay scale bases determination. As already seen in Schedule I of the said rules, the pay scale of Rs.975-1660 applicable to drivers was revised to Rs.3200-4900. For this, the corresponding Selection and Special Grades specified in Schedule II were Rs.4000-6000 and Rs.4300-6000 respectively.

21.Again this backdrop, we find



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substance in the submission of the respondents that the appellants are not lawfully entitled to the claimed Selection Grade and Special Grade pay scales of Rs.5000-8000 and Rs.5500-9000 respectively interms of G.O.Ms.No.162.

4. The learned Special Government Pleader further submitted that in view of the above recent decision of the Hon'ble Supreme Court, the action of the respondent/department in not revising the scale of pay at Rs.5000-150-8000 and Rs.5500-175-9000 at Selection grade and Special Grade respectively, in terms of the aforesaid G.O.Ms.No.162 Finance (Pay Cell Department) dated 13.04.1998 is perfectly in order and therefore, the action of the respondent Department in refusal to fix the selection grade scale of pay and special grade scale of pay as demanded by the writ petitioners is perfectly in order and does not call for interference.

5. We are of the considered view that the recent decision of the Hon'ble Supreme Court in **C.A.Nos.Nos.9533 to 9537 of 2019 dated 18.12.2019** cited supra squarely applies to the facts of the present case. Hence, the impugned common order passed by the Writ Court is perfectly valid and does not warrants any interference by this Court as there is no error or illegality in the said order passed by the



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writ court. Therefore, we confirm the order of the learned Single Judge. Consequently, the writ appeals are liable to be dismissed. In fine, all the Writ Appeals stand dismissed. No costs.

**(D.K.K., J.) (K.G.T., J.)
21.04.2023**

Index: Yes/no
mrn

To

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- 2.The Joint Director,
Health Department,
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Kancheepuram.



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and

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