



WEB COPY

W.P.No.15050 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.15050 of 2012

S.Raju

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George, Chennai – 600 009.

2. The Senior Accounts Officer,
O/o. The Accountant General (A&E),
Tamil Nadu,
No. 361, Anna Salai,
Chennai – 600 018.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records culminated in issuing the order in Pen21/1/REV/12103154/10-11/ADK/536 dated 28.03.2011 on the file of the second respondent, quash the same and consequently direct the respondents to award selection grade pay to the petitioner in the cadre of Superintendent at Rs.15600-39100-5700 as per the Government letter dated 30.11.2010 notionally with effect from 22.12.2007 with monetary benefit from 01.08.2010.



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For Petitioner : Mr. S.Mani
For R1 : Mr. A.Anandan,
Government Advocate
For R2 : Mr. V.Vijayashankar

ORDER

This Writ Petition has been filed questioning the Order No. Pen21/1/REV/12103154/10-11/ADK/536 dated 28.03.2011, wherein the request of the petitioner to revise the punishment in terms of Government Letter No. 63305/Pay Cell/2010 dated 30.11.2010 read with Letter No. 63305/Pay Cell/2010-1 dated 08.11.2010 was negated and sought for a consequential direction to award the Selection Grade pay of Rs.5700, as per the Government Letter No. 63305/Pay Cell/2010 dated 30.11.2010 notionally.

2. The second respondent filed counter-affidavit contending that the petitioner is entitled for such relief, however stated that the petitioner would be entitled for the benefit provided under the G.O (Ms) No. 237, Finance Department dated 22.07.2013 and on receipt of proposals for the additional increment benefits in favour of the petitioner from the District Forest Officer,



Thirupattur, further review would be carried out by the second respondent.

3. The relevant paragraphs from the counter-affidavit reads as under:-

“ 7. It is submitted that the lower post Superintendent on movement to Selection Grade is entitled to Grade Pay of that post subject to the condition that it has to be restricted to the ordinary grade, Grade Pay of the promoted post, which has been duly incorporated in para 5 of the Government Letter No.63305/P.C/2010-1 dated 08.11.2010 and reiterated in Letter No.63305/P.C/ 2010-5 dated 30.11.2010.

8. Thus it is submitted that the petitioner on movement to selection grade on 22.10.2007 is entitled to Grade Pay of Rs.5700 but to be restricted to the ordinary Grade Pay of Rs.5100/- of promotional post i.e., Accounts Officer.

9. Therefore, the petitioner is entitled to 5100 Grade Pay, provided he opts to come over to revised



pay scales from 22.10.2007 foregoing notional promotion from 01.01.2006 and monetary benefit from 01.01.2007 upto 21.10.2007.

10. In the result, the petitioner is entitled to 5100 Grade Pay from 12.12.2007 with monetary benefit from 01.04.2013 provided he opts for it.

11. It is also submitted that the petitioner's last pay drawn workout to Rs.15690+4900 (20590) as per one man commission Government Order his last pay drawn as per G.O.244 Finance (P.C) dated 22.07.2013 works out to Rs.15690+5100 (20790) whereas the pensionary benefits already authorised with reference to pay of Rs.16530+4800 (21330).

12. It is further submitted that Government have in G.O. 237, Finance (P.C) Department dated 22.07.2013 had ordered for an additional increment of 3% basic pay to employees on their movement to selection / Special Grade which takes effect notionally



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from 01.01.2006 with monetary benefit from 01.04.2013.

13. It is submitted that on receipt of proposals for the additional increment benefit in favour of the petitioner from the District Forest Officer, Thirupattur further revision would be carried out by this Respondent office. In view of the foregoing points, the petitioner is not entitled to the Grade Pay of Rs.5700/- but stands to the benefit further by G.O.237, Finance Department dated 22.07.2013.”

As against the specific stand of the second respondent, nothing is brought to the notice of this Court for granting relief in favour of the petitioner, as sought for in the present Writ Petition. However, considering the admission made by the second respondent that the petitioner is entitled for grant of additional increment in terms of G.O (Ms) No. 237, Finance Department dated 22.07.2013, this Writ Petition is disposed of by directing the second respondent to take immediate steps for extending the benefit of additional increment in favour of the petitioner in terms of G.O (Ms) No. 237, Finance Department dated 22.07.2013 and for consequential revision of pension and



complete the said process as expeditiously as possible at any rate within a period of four months from the date of receipt of a copy of this order. The petitioner is also granted liberty to make a representation before the second respondent as well as before the District Forest Officer, Thirupattur for revision of his pension and grant of additional increment.

4. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any, shall stand closed.

14.12.2023

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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