



W.P.No.30330 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 06.12.2023

Pronounced on : 20.12.2023

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.30330 of 2012

V. Thiagarajan

... Petitioner

Vs.

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

2. The Director of Elementary Education,
College Road,
Chennai – 600 006.

3. The District Educational Officer,
Salem – 636 001,
Salem District.

4. The Assistant Elementary Educational Officer,
Pethanayakenpalayam,
Salem District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to extend the benefit of G.O. Ms.No.296, Finance (Pay Cell) Department dated 26.08.2010 insofar as it relates to the revised pay scale mentioned in Serial No.14 for Librarian Grade – I and consequently revise the scale of pay of the petitioner from Rs.9300-34800 + 4500 grade pay to Rs.15600-39100 + Rs.5400 grade pay with all consequential benefits including arrears of pensionary benefits



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as well as the pension.

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For Petitioner : Mr.S.Mani

For Respondents : Mr.Haza Nazeerudeen,
Additional Advocate General - I

ORDER

Heard Mr.S.Mani, learned counsel for the petitioner and Sri. Mr.Haza Nazeerudeen, learned Additional Advocate General-I appearing for the respondents.

2. The petitioner herein retired from the services as a Secondary Grade Teacher on attaining the age of superannuation on the afternoon of 31.12.1998. While he was in service, there was a dispute with regard to fixation of pay, resulting in filing of the Writ Petition in W.P.No.20607 of 2006 and in terms of the order dated 19.10.2006 passed in the said Writ Petition, the pay of the petitioner was fixed by duly granting the benefit of Selection Grade, Special Pay etc., Subsequent to the retirement of the petitioner from service, the revision of pay scale took place under the G.O (Ms) No.234, Finance (Pay Cell) Department dated 01.06.2009. In terms



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of the said revised pay scale, the pension payable to the petitioner was revised and there is no dispute about the same. However, the petitioner filed the present Writ Petition contending that the revised pay scale corresponding to his pay i.e., 9300-34800 with grade pay of 4500 and the revised pay scale correspondening to the said pay scale is 15600 – 39100 with grade pay of 5400 in terms of the Governmental Order in G.O (Ms) No.296, Finance (Pay Cell) Department dated 26.08.2010 and as such, the petitioner is also entitled for the revised pay scale in terms of the pay scales fixed under the said G.O (Ms) No.296, Finance (Pay Cell) Department dated 26.08.2010.

3. It is contended by the learned counsel for the petitioner that the revised pay scale is always be with reference to the grade pay or pay scale but not with reference to the post. In a nutshell, the petitioner is claiming the relief in this Writ Petition by seeking extension of the benefit of revised pay scales in terms of G.O (Ms) No.296, Finance (Pay Cell) Department dated 26.08.2010.

4. A perusal of the said G.O (Ms) No.296, Finance (Pay Cell) Department dated 26.08.2010 shows that on having noticed certain anomalies



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in the fixation of pay, revision of pay scales and re-designation etc., the matter was referred to the One Man Commission in respect of different categories of Medical Education and Medical and Rural Health Services Department. On considering the said anomalies, basing upon a report submitted by the One Man Commission, the Government issued the said Governmental Order duly re-designating and revising the pay scale by rectifying the anomalies in the matter. The said Governmental Order specifically issued in respect of the Departments referred to above in the course of rectifying the anomalies and considering the cases for re-designation of the post by duly taking into consideration various circumstances such as the nature of the work etc.,

5. Under no stretch of imagination, the petitioner can be said to be entitled to seek extension of the benefit under the G.O (Ms) No.296, Finance (Pay Cell) Department dated 26.08.2010. In the absence of any dispute about the fact that the petitioner was extended all the benefits pursuant to the revised pay scales issued in G.O (Ms) No.234, Finance (Pay Cell) Department dated 01.06.2009, the petitioner cannot be said to be having any grievance nor entitled to seek the benefit under G.O (Ms) No.296, Finance



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(Pay Cell) Department dated 26.08.2010.

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6. Thus, there is no legal basis for the petitioner to seek the relief, as sought for in the present Writ Petition. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Miscellaneous Petitions, if any, shall stand closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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MUMMINENI SUDHEER KUMAR, J.

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