



W.P.No.42325 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2023

CORAM :

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

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and W.M.P.No.20824 of 2017

1. R.Annamalai
2. K.K.Rathinasami
3. R.Ramanujam
4. C.Chandra Mohan
5. S.Kaliappan
6. R.Ahamed Bhasa
7. A.Loganathan
8. K.Kothandan
9. V.Subramanian
10. M.Ramu
11. S.Krishnakumar
12. M.Dhandabani
13. P.A.Agastin
14. M.Kurshid Ali
15. D.Balakrishnan

.. Petitioners

Versus

1. The State of Tamil Nadu rep. by its Secretary,
Finance (Pay Cell) Department,
Fort St. George, Chennai - 9.
2. The State of Tamil Nadu rep. by its Secretary,
Personnel and Administrative Reforms,
Fort St. George, Chennai - 9.

.. Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus directing the respondents to extend appropriate revised scales of pay in so far as Selection Grade and Special Grade Driver to the petitioners are concerned forthwith on the basis of the VI Pay Scale Recommendations (Revised Pay Rules) as ordered in G.O.Ms.No.162 Finance (Pay Cell Department) dated 13.04.1998.

For Petitioner : M/s.N.R.Jasmine Padma

For Respondents : M/s.V.Nanmaran,
Additional Government Pleader

ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a direction against the respondents to extend appropriate revised scale of pay insofar as Selection Grade and Special Grade Drivers are concerned also to the petitioners on the basis of the VI pay scale recommendations as ordered in G.O.Ms.No.162 Finance (Pay Cell Department), dated 13.04.1998.

2. The issue had been examined in similar matters and matter traveled up to the Writ Appeal stage and in the counter-affidavit, it has been stated as follows :-

" *16) It is also submitted that the Hon'ble High Court Division Bench in its order dated:08.07.2015 in W.A.Nos.1398 of 2013*



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and W.P.Nos.23550 of 2010 and other batch cases filed by the Drivers contesting G.O.Ms.No.162, Finance (Pay Cell) Department, dated:13.04.1998 to grant Selection Grade / Special Grade at Rs.5000---8000 and Rs.5500---9000 to the Drivers have been dismissed by the Division bench with a direction that the petitioners therein are only entitled for Selection Grade / Special Grade scales of pay at Rs.4000---6000 and Rs.4300---6000 as against the Ordinary Grade pay scale of Rs.3200---4900. Accordingly, all Writ Appeals filed by Government Departments / Local Bodies were allowed and all Writ Petitions filed by petitioners were dismissed."

2. Thereafter, the state had preferred a Special Leave Petition before the Hon'ble Supreme Court of India and by orders of the Hon'ble Supreme Court of India, dated 18.12.2019 in S.L.P(C).Nos.9560 - 9561 of 2017, 9538 - 9546, 9547 - 9549, 9551 - 9559 and 9560 - 9561 of 2019, the Government had issued letter No.4866/CMPC/2013-14, dated 22.01.2020, wherein, they had stated a follows :-

" 7. The Hon'ble Supreme Court of India in its order dated 18.12.2019 in the reference twentieth cited has allowed the ordinary Grade, Selection Grade and Special Grade scales of pay to Drivers in terms of Serial No. 6 as per Schedule-II of G.O.Ms.No.162, Finance (Pay Cell) Department, dated 13.04.1998 which is as follows:-



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Ordinary Grade Rs.	Selection Grade Rs.	Special Grade Rs.
Rs.3200-85-4900	Rs.4000-100-6000	Rs.4300-100-6000

8. Accordingly, the Government directs that the Drivers are entitled to Ordinary Grade scale of pay at Rs.3200-85-4900 Selection Grade at Rs.4000 -100- 6000 and Special grade Scale of pay at Rs.4300 -100-6000 only . The scale of pay of Drivers whose Selection Grade / Special Grade has been fixed erroneously at Rs.5000-8000 and Rs.5500 - 9000 has to be refixed as indicated at para 7 above and excess amount paid on account of erroneous fixation has to be regulated with effect from the date of orders of Hon'ble Supreme Court of India in Special Leave Petition (Civil)No. 9560-9561 of 2019 dated : 18-12- 2019. All the Heads of Departments are requested to ensure that the Selection Grade / Special Grade pay of Drivers are fixed in terms of Serial No. 6 of Schedule II of G.O.Ms.No.162, Finance (Pay Cell) Department, dated.13.04.1998 at Rs.4000 - 100- 6000 in the Selection Grade and Rs.4300 - 100 - 6000 in the Special Grade. Any failure to adhere the same will be viewed seriously and responsibility fixed on pay fixing authorities."

3. The issues raised by the petitioners had been reasonably addressed by the respondents and there is also a commitment that it would be followed since it had also been stated in the aforementioned letter that any failure to adhere with the directions would be viewed seriously and responsibility



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fixed on pay fixing authorities. Since, specific directions have been given, I am confident that the said advantage would also ennure to the petitioners herein.

4. No further directions are required, the Writ Petition stands disposed off. No costs. Consequently, connected miscellaneous petition is closed.

05.07.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Secretary,
Finance (Pay Cell) Department,
Fort St. George, Chennai - 9.
2. The Secretary,
Personnel and Administrative Reforms,
Fort St. George, Chennai - 9.



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C.V.KARTHIKEYAN, J.

grs

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