



W.P.No.31891 of 2014 and etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.Nos. 31891, 32051, 32110, 32125, 32126, 34301 of 2014

W.P.Nos.3444, 3447, 3468, 3842, 3848, 3935, 4599,

4641, 4643, 4644, 4844, 4848, 5185, 6631, 7040, 7041, 7042

11530 , 11551, 11552, 11619, 11620, 11621 of 2015 and

connected writ miscellaneous petitions

in W.P.No.31891 of 2014

P.Sampathkumar

... Petitioner

Vs.

1. The Government of Tamil Nadu,
rep. by the Principal Secretary to Government,
Finance Department (Pay Cell),
Secretariat, Chennai -9.

2. The Joint Director of Agriculture,
Sivaramapuram, Thorapadi,
Vellore District.

... Respondents



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Prayer in W.P.No.31891 of 2014: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent pertaining to G.O.Ms.No.114, Finance (Pay Cell) Department dated 06.05.2014 and quash the same and to direct the respondents to implement the Ordinary Grade, Selection Grade and Special Grade Scales of pay as indicated in Schedule-II of the Tamil Nadu revised scales of Pay Rules, 1998 at Rs.4000-6000, Rs.5000-8000 and Rs.5500-9000 to the petitioner from 01.01.1996/date of initial appointment (which ever is later), in the ordinary Grade and the respective dates of completion of 10 years of service in the ordinary Grade and 10 years in the Selection Grade, respectively with all consequential monetary benefits and to pay all arrears within a stipulated time.

In W.P.No.31891 of 2014

For Petitioner : Mr.M.Ravi

For Respondents : Mr.P.Kumaresan,
Additional Advocate General

Assisted by Mr.E.Vijay Anand,
Additional Government Pleader



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COMMON ORDER

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All the writ petitions have been filed to quash the G.O.Ms.No.114, Finance (Pay Cell) Department, dated 06.05.2014 and and consequently, direct the respondents to implement the Ordinary Grade, Selection Grade and Special Grade Scales of pay as indicated in Schedule-II of the Tamil Nadu revised scales of Pay Rules, 1998 at Rs.4000-6000, Rs.5000-8000 and Rs.5500-9000 to the petitioners from 01.01.1996/date of initial appointment (which ever is later), in the ordinary Grade and the respective dates of completion of 10 years of service in the ordinary Grade and 10 years in the Selection Grade, respectively with all consequential monetary benefits and to pay all arrears within a stipulated time.

2. Since the issues involved in all the writ petitions are one and the same, all the writ petitions were taken together for hearing and final disposal.



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3. The writ petitioners had been worked as drivers in various Department of Government of Tamilnadu and some of them put more than 20 years of service and the remaining put more than 10 years of service. According to the writ petitioners, as per G.O.Ms.No.162, Finance (Pc) Department dated 13.04.1998, the benefits of higher Selection Grade scale of pay at Rs.5000-8000 and Special Grade Scale of pay at Rs.5500-9000 has been extended to the drivers working in some of the Government Departments and undertakings, who have no promotional avenue and therefore, the petitioners are also entitled for the same benefits uniformly. However, the Government has issued G.O.Ms.No.114, Finance (Pay Cell) Department, dated 06.05.2014, revising the Selection Grade/ Special Grade scale of pay, thereby restricted the Selection Grade and Special Grade benefits to Rs.4000-100-6000 and Rs.4300-100-6000 respectively and the same is illegal. Hence the writ petitions.

4. The learned Additional Advocate General appearing for the respondents placing a **decision of the Hon'ble Supreme Court in Civil Appeal Nos.9533 to 9537 of 2019 dated 18.12.2019**, submitted that the



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issue with regard to fixation of Selection Grade pay and Special Grade Pay in terms of Serial No.8 of G.O.Ms.No.162 was dealt with by the Hon'ble Supreme Court in the above said decision and the Apex Court 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, namely,*

<i>Ordinary Grade Rs.</i>	<i>Selection Grade Rs.</i>	<i>Special Grade Rs.</i>
Rs.3200-85-4900	Rs.4000-100-6000	Rs.4300-100-6000

5. He further submitted that, in compliance to the decision of the Hon'ble Supreme Court, as stated supra, the Government has issued a ***Letter No.4866, Finance (CMPC) Department, Secretariat, Chennai 600 009, dated 22.01.2020***, thereby directing that the drivers are entitled to ordinary 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. Therefore, the present issues involved in all the writ petitions are covered by the decision of the Hon'ble Supreme Court, as stated supra and accordingly, the writ petitioners are not entitled to grant of Selection Grade and Special Grade, in terms of Serial No.8 of G.O.Ms.No.162, Finance (Pay Cell), Department



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dated 13.04.1998, whereas they are entitled to as per Serial No.6 of the above said Government Order. Hence, he seeks for dismissal of the writ petitions.

6. We heard the learned counsel for the petitioners and the learned Additional Advocate General. Also, we have perused the materials on record.

7. As has been pointed out by the learned Additional Advocate General, the issue with regard to fixation of Selection Grade/Special Grade Scale of Pay, in terms of Serial No.8 of G.O.No.162, dated 13.04.1998, viz. Rs.4000-100-6000 at Ordinary Scale; Rs.5000-150-8000 at Selection Grade; and Rs.5500-175-9000 at Special Grade, has been discussed elaborately by the Hon'ble Supreme Court in its decision **in Civil Appeal Nos.9533 to 9537 of 2019 dated 18.12.2019** and the Apex Court has allowed 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.***



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8. Further, in compliance to the above decision of the Apex Court, as stated supra, the Government has also issued a ***Letter No.4866, Finance (CMPC) Department, Secretariat, Chennai 600 009, dated 22.01.2020***, and has given directions to all the heads of Departments. The relevant portion is extracted hereunder.

7. The Hon'ble Supreme Court of India in its order dated 18.12.2019 in the reference twentieth cited, has allowed 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, namely,

<i>Ordinary Grade Rs.</i>	<i>Selection Grade Rs.</i>	<i>Special Grade Rs.</i>
Rs.3200-85-4900	Rs.4000-100-6000	Rs.4300-100-6000

8. Accordingly, the Government directs that the drivers are entitled to ordinary 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 SLP (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



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viewed seriously and responsibility fixed on pay fixing authorities.

9. All Heads of Departments are also requested to furnish a compliance report to Government indicating that the Selection Grade/Special Grade pay of the Drivers has been fixed in terms as order by the Hon'ble Supreme Court of India within 15 days from the date of receipt of this letter.

9. In the light of the decision of the **Hon'ble Supreme Court in Civil Appeal Nos.9533 to 9537 of 2019 dated 18.12.2019** and consequent Government Letter No.4866, Finance (CMPC) Department, Secretariat, Chennai 600 009, dated 22.01.2020 before this Court, the writ petitioners are not entitled to claim the Special Grade and Selection Grade scale of pay, in terms of Serial No.8 of G.O.Ms.No.162, Finance (Pay Cell), Department dated 13.04.1998. As such, all the writ petitions are liable to be dismissed.

10. Accordingly, all the writ petitions are liable to be dismissed. Consequently, connected miscellaneous petitions are closed.

(D.K.K.J.)

(P.D.B.J.)

27.06.2023

Internet: Yes/No
Index : Yes/No
mst



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To
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rep. by the Principal Secretary to Government,
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2. The Joint Director of Agriculture,
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Vellore District.



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