



W.P.Nos.17641 and 17734 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.Nos.17641 and 17734 of 2018

W.P.No.17641 of 2018

- 1.R.Ravi
- 2.G.Ganesan
- 3.R.Balasundaram
- 4.V.Renuga
- 5.K.R.Sekar
- 6.R.Natarajan
- 7.L.Rajappa
- 8.M.Sundararajan
- 9.K.Thangavelu
- 10.V.Rajakumaran
- 11.R.Dharmalingam
- 12.I.Chandramohan



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13.A.Soundararajan

14.V.Sathiyakumar

15.M.Mohammed Jaffer Basha

16.P.Thangaraju

17.J.Peter James

18.R.Rajasekar

19.A.Jesudoss

20.P.Vellaichamy

21.R.Sekar

22.A.Arikrishnan

23.S.Radhakrishnan

24.M.Ramadoss

25.G.Vaidyanathan

26.V.Kanagambal

27.A.Rajan

... Petitioners

Vs.

1.The Secretary to the Government,
Agriculture Department,
Fort St. George, Chennai - 600 009.

2.The Director of Agriculture,
Chepauk, Chennai - 600 005.

... Respondents



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WEB C W.P.No.17734 of 2018

C.Subbiah

... Petitioner

Vs.

1.The Director,
Tamil Nadu State Health Transport Department,
Guindy, Chennai - 600 032.

2.The Workshop Superintendent,
Regional Workshop (Health), Madurai,
Madurai District.

... Respondents

Prayer in W.P.No.17641 of 2018: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant of 5% personal pay to the petitioners as per the orders of the Tamil Nadu Administrative Tribunal in O.A.No.2479/1993 dated 17-11-1995 and the orders of this Hon'ble Court in W.P.No.18749/2003 dated 01-10-2007 and grant them all consequential benefits.

Prayer in W.P.No.17734 of 2018: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent in Na.Ka.No.3092/A1/2015 dated 13-04-2017 and quash the same and direct the first respondent to grant 5% personal pay to the petitioner with effect from 01.08.1992 in the light of the orders passed by the Division Bench of this Hon'ble Court in W.P.Nos.20156 and 13143 of 2000 dated 10.03.2006 and grant him all consequential benefits.



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In both W.Ps

For Petitioners : Mr. P.Mohanraj
For Respondents : Mr. T.Chezian
Additional Government Pleader

COMMON ORDER

W.P.No.17641 of 2018 has been filed seeking for issuance of a writ of mandamus, to direct the respondents to grant of 5% personal pay to the petitioners as per the orders of the Tamil Nadu Administrative Tribunal in O.A.No.2479/1993 dated 17-11-1995 and the orders of this Hon'ble Court in W.P.No.18749/2003 dated 01-10-2007 and grant them all consequential benefits.

2. W.P.No.17734 of 2018 has been filed seeking for issuance of a writ of certiorarified mandamus, to call for the records relating to the impugned order of the first respondent in Na.Ka.No.3092/A1/2015 dated 13-04-2017 and quash the same and direct the first respondent to grant 5% personal pay to the petitioner with effect from 01.08.1992 in the light of the orders passed by the Division Bench of this Hon'ble Court in W.P.Nos.20156 and 13143 of 2000 dated 10.03.2006 and grant him all consequential benefits.



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3. Heard the learned counsel for the petitioners and the learned Additional Government Pleader for the respondents.

4. The very same issue pertaining to 5% personal pay was the subject matter of the writ petition before the Hon'ble Division Bench of this Court in W.P.No.18749 of 2003. On 01.10.2007, while dismissing the writ petition filed by the Government of Tamil Nadu, this Court ordered as follows:-

"Aggrieved against the order of the Tribunal, the Government filed the Writ Petition challenging the order of the Tribunal directing the writ petitioner to grant personal pay of 5% of the basic pay as per the G.O.Ms.No.664, Finance (PC) Department dated 24.08.1992 after rejecting the contentions of the writ petitioner that they have already revised the pay scale and therefore the 1st respondent/applicant is not entitled to implementation of the G.O., However, for implementation of the V Pay Commission several associations made representations to the Government. The Government after consideration of the facts and circumstances issued G.O.Ms.No.664, Finance (Pay Cell Department) dated 24th August 1992 granting personal pay at 5% of the basic pay to all categories of staff from 1.8.92. Therefore, the order is based on the facts and circumstances of the case, more so, on the basis of the official communication dated 6.11.1990. More over, the Vth Pay Commission has already recommended to revise the pay scale on par with the Central Government Employees. Hence, we see no reason to interfere with the order of the learned Single Judge. The Writ Petition is dismissed. No costs. Consequently, WPMP No.23458/2003 is also dismissed."



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5. The order of the writ petition has become final and the Government of Tamil Nadu, which was the petitioner in the aforesaid writ petition, is bound to obey the orders of this Court.

6. There is no difficulty for the respondents to meet the demands of the writ petitioners, which is only in line with the decision of this Court as referred herein above, confirming the order of the Tamil Nadu Administrative Tribunal.

7. In fact, a learned Single Judge of this Court in W.P.No.16028 of 2010, also had an occasion to consider the decision of the Hon'ble Division Bench of this Court referred herein above, though the matter was pertaining to a different Department and held that petitioner in that case was entitled to 5% personal pay together with all consequential benefits in line with the above legal position.



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8. These Writ Petitions are accordingly allowed. The respondent may disburse all the necessary monetary benefits to the petitioners, within a period of six weeks from the date of receipt of a copy of this order. No costs.

08.06.2023

Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes / No

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To

- 1.The Secretary to the Government,
Agriculture Department,
Fort St. George, Chennai - 600 009.
- 2.The Director of Agriculture,
Chepauk, Chennai - 600 005.
- 3.The Director,
Tamil Nadu State Health Transport Department,
Guindy, Chennai - 600 032.
- 4.The Workshop Superintendent,
Regional Workshop (Health), Madurai,
Madurai District.



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P.B.BALAJI, J.

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