



WEB COPY



W.P.No.29092 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 06.02.2023

PRONOUNCED ON : 25.04.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.29092 of 2014

P.Rajabathar

... Petitioner

Vs.

The Director
Directorate of Stationary
and Printing Department
No.110, Anna Salai
Chennai-2

..Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the respondent in connection with the impugned order passed by in letter No.C4/48817/2014 dated 14.06.2014 and quash the same and direct the respondent to fix the salary of the petitioner in the cadre of Machine Minder w.e.f. 5.5.1995 and draw and disburse the same within a reasonable time.



WEB COPY



W.P.No.29092 of 2014

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.T.Arunkumar,
Addl. Govt.Pleader

ORDER

This writ petition is filed praying to quash the order of the respondent dated 14.06.2014, whereby, the petitioner's request to fix the salary in the cadre of Machine Minder w.e.f. 05.05.1995 has been rejected.

2. The petitioner joined the service in the respondent department as a Machine Minder on 15.04.1975 and has attained Selection Grade and Special Grade in the post of Machine Minder, after which he got superannuated from service on 31.01.2011.

3. After his retirement, the petitioner by representation dated 06.10.2013 sought to fix his salary in the cadre of machine minder and to fix salary w.e.f. 5.5.1995 in the cadre of machine operator. The petitioner also filed W.P.No.5965 of 2014 to direct the respondent to pass orders on the said representation.



W.P.No.29092 of 2014

WEB COPY

4. The main grievance of the petitioner is that in the post of Machine Minder, he was only granted Special Grade on 05.05.1995. He sought to fix his salary in the pay scale of Rs.1350-30-1440-40-1800-50-2200 w.e.f. 5.5.1995.

5. Mr.M.Muthappan, learned counsel for the petitioner submits that as per this court order dated 27.02.2014 passed in W.P.No.5965 of 2014, the petitioner's representation was considered and by order dated 14.06.2014, the same has been rejected by the respondent. The learned counsel would submit that the petitioner's promotion as Machine operator and the scale of pay ought to have been fixed w.e.f. 05.05.1995 and he should have been granted Selection grade as well as Special grade by taking into consideration the entire service rendered by him.

6. Per contra, the learned Additional Government Pleader would submit that the name of the petitioner was included in the panel for the post of Machine Operator for the year 2007-2008 as per seniority and the petitioner was promoted to the post of Machine Operator we.f. 15.07.2008 and the pay of



W.P.No.29092 of 2014

the petitioner in the post of Machine Operator was fixed at Rs.15,620/- (Rs.13020+ G.P 2600) in the Pay Band of Rs.5200-20200 G.P Rs.2600. Then, the service rendered in the lower post of Special Grade Machine Minder was taken into account for awarding Selection Grade in the Promotional post of Machine Operator on 15.07.2008 and the pay of the petitioner in the post of Selection Grade Machine Operator was fixed at Rs.16090/- (Rs.13490-GP 2600) in the Pay Band of Rs.5200-20200+ Grade Pay Rs 2600. Then as per G.O.Ms.No.237 Finance (Pay Commission) Department, dated 22.07.2013, the pay of the Petitioner in the post of Selection Grade Machine Operator was fixed at Rs.16560/- (Rs 13960 + GP 2600) w.e.f 01.04.2013 in the Pay Band of Rs.5200- 20200 GP 2600.

7. It is pointed out in the counter and reiterated by the learned Additional Government Pleader that the pay of the petitioner was fixed only with reference to the norms prescribed by the Government. In no event, the petitioner has been singled out and his pay was fixed erroneously as contended by the petitioner.

8. With reference to G.O.No.309 dated 4.5.1990, it has been clarified



W.P.No.29092 of 2014

that if the scale of pay prescribed for a Selection Grade post is higher than that of the ordinary grade of higher post, then the pay of such employee in Selection Grade in the lower post shall be restricted to the ordinary grade of the higher post. Moreover, in G.O.Ms.No.304, Finance (PC) Department, dated 28.03.1990, it has been clarified that if the scale of pay prescribed for the Selection Grade of Lower Post (Machine Minder) is higher than the ordinary Grade of promotional post (Machine Operator), then the scale of pay of the Selection Grade in the lower post (Machine Minder) shall be restricted to the scale of pay of the Ordinary Grade of the promotional post (Machine Operator). Then, on moving to Special Grade on completion of 20 years of service in the lower post, the pay of the employee shall be fixed in the scale of pay fixed for the Selection Grade of promotional post. This issue has been clarified by the Government in their letter No.49470/Pay Commission/90-1 dated 14.09.1990.

9. Since the pay of the petitioner in the post of Selection Grade (Machine Minder) was not restricted, on advancement to Special Grade (Machine Minder), the pay could be fixed in the scale of pay of Rs.1320-30-1560-2040, as per the above said clarification of the Government and it was



W.P.No.29092 of 2014

accordingly fixed.

WEB COPY

10. Heard both sides and perused the typed set of papers filed by the petitioner and counter affidavit filed by the respondent.

11. A perusal of the order impugned would make it clear that the petitioner was promoted to the post of Machine Operator on 15.07.2008. Since the Selection Grade of pay and post of Machine Operator got same scale of pay and that he has not completed ten years service in the said post, by counting his service rendered in the selection grade of lower post, his pay was fixed.

12. It is also transpired that the petitioner's pay scale was fixed with reference to norms prescribed by the Government and the petitioner was served the impugned order along with copy of Government Letter No.49470/Pay Commission indicating the revised scales of pay in the Selection and Special Grade as per the Finance (Pay Commission) Government Orders.

13. The impugned order passed by the respondent is based on Government Orders and this court do not find any merits in the writ



W.P.No.29092 of 2014

petition to grant any relief to the writ petitioner. Accordingly, this writ
petition is dismissed. No costs.

25.04.2023

Index:Yes/No
Speaking/Non-speaking order
nvsri

To
The Director
Directorate of Stationary
and Printing Department
No.110, Anna Salai
Chennai-2



WEB COPY



W.P.No.29092 of 2014

J.NISHA BANU, J.

nvsri

Order in

W.P.No.29092 of 2014

25.04.2023