IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **25.01.2023**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.Nos.21836 to 21838 of 2017
&
WMP.No.29867 of 2021

In W.P.No.21836 of 2017

1.R.Joseph Sarguna Singh

2.B.Manivannan

3.G.Suresh

4.J.Nandagopal

5.S.Sekar

6.K.R.Sadhana

7.N.Srinivasan

8.N.Padmanabhan

9.S.Sumathi

10.T.Baktavatchalam

11.B.Gajendran

12.T.Saraswathi

13.V.Nalini

14.R.Senthil Nayagam

15.A.Ashok Kumar

16.N.P.Kesavan

17.P.Sivasankari

18.R.Ramani

19.M.Rajasekaran

20.P.Baktavachalam

21.E.Nirmala

22.R.Parthasarathy

23.S.S.Srinivasan

24.V.Vedavalli

25.D.R.Balakrishna Rao

26.S.Sarojini

27.A.S.Kumar

28.P.Navalan

29.S.Sriharan

30.N.D.Sasikala

31.A.Srinivasan

32.R.Thulasiraman

33.M.B. Shanmugam

34.V.Tamil Selvan

35.M.Ezhil Annamalai

36.A.T. Ravi Shankar

37.F.V. Jayakumar

38.V.G.B. Suthakaran

39.D.R. Adhiyaman

40.K.O. Kanagaraj

41.S.R. Ganesan

42.N.Sridharan

43.K.Sivakumar

44.T.Ponnuchamy

45.S. Tamil Selvan

46.M.Nagaraju

47.P.Sethupathy

48.R.Krishnamurthy

49.G.Ravi Kumar

50.K.Yavanasree

51.R.Sivaramakrishnan

52.S.Nappinai ...Petitioners

Vs.

1.The Additional Chief Secretary to Government,
Department of Finance,
Fort St. George,
Chennai-600 009.

2.The Principal Secretary to Government,
Commercial Taxes and Registration Department,
Fort St. George,
Chennai-600 009.

3.The Commissioner of Commercial Taxes,
Chepauk, Chennai-600 005.

4.The Joint Commissioner of Commercial Taxes,
(Computer Systems), Greams Road,
Chennai-600 006. ...Respondents

In W.P.No.21837 of 2017

R.Santhanagopalan ...Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Department of Finance,
Fort St. George,
Chennai-600 009.

2.The Principal Secretary to Government,
Commercial Taxes and Registration Department,
Fort St. George,
Chennai-600 009.

3.The Commissioner of Commercial Taxes,
Chepauk, Chennai-600 005.

4.The Joint Commissioner of Commercial Taxes,
(Computer Systems), Greams Road,
Chennai-600 006. ...Respondents

In W.P.No.21838 of 2017

Ramakrishnan.G ...Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Department of Finance,
Fort St. George,
Chennai-600 009.

2.The Principal Secretary to Government,
Personnel & Administrative Reforms Department,
Fort St. George,
Chennai-600 009.

3.The Principal Secretary to Government,
Commercial Taxes and Registration Department,
Fort St. George,
Chennai-600 009.

4.The Commissioner of Commercial Taxes,
Chepauk, Chennai-600 005.

5.The Joint Commissioner of Commercial Taxes,
(Computer Systems), Greams Road,
Chennai-600 006. ...Respondents

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the common impugned letter issued by the second/third respondent respectively in Letter No.11921/A2/2015-2 dated 18.01.2016 and the consequential common impugned order issued by the fourth/fifth respondent respectively in proceedings CC1/839/2015 dated 16.02.2016 and quash these orders and consequently direct the respondent to grant 5% personal pay to the petitioners with effect from 01.08.1992 as per G.O.(Ms) No.664, (Finance / Pay Cell) Department, dated 24.08.1992 and by extending the benefit of G.O. (Ms) No.143, Finance (Paycell) Department, dated 03.06.2014 with all consequential monetary benefits.

For Petitioner in all W.Ps : Mr.R.Prem Narayan

For Respondent-1 in all W.Ps : Mr.T.M.Rajangam, GA

For Respondent Nos.2 to 4 in all W.Ps & No.5 in W.P.21838/2017 : Ms.K.Vasanthamala, GA (T)

COMMON ORDER

All the petitioners herein are Data Entry Operators in the Commercial Taxes Department of the Government of Tamil Nadu. When they sought for grant of 5% personal pay with effect from 01.08.1992 as per G.O. (Ms) No.664, Finance (Pay Cell) Department, dated 24.08.1992, by extending the benefits of G.O. (Ms) No.143, Finance (Pay Cell) Department, dated 03.06.2014, their request came to be rejected through the impugned orders stating that, the Assistant Programmers (formerly Data Entry Operators and Transcribers) are not entitled for 5% personal pay, since the earlier Court orders granted in similar cases, would be applicable only to the Steno-Typists Grade-III. Challenging these orders, the present Writ Petitions have been filed.

2. Heard Mr. R.Prem Narayan, learned counsel for the petitioner and Mr. T.M.Rajangam, learned Government Advocate appearing on behalf of the first respondent, as well as Ms. K.Vasanthamala, learned Government Advocate (Tax) for the other respondents.

3. All the petitioners herein were originally appointed as Data Entry Operators / Transcribers on 01.06.1988 and thereafter, their services were regularised with effect from the date of their initial appointment. Thereafter, the post of Data Entry Operators / Transcribers were merged together and re-designated as System Assistant on 03.02.2004. At the time of their initial appointment on 01.06.1988, the scale of pay of Data Entry Operators was Rs.610-20-730-25-30-1075. This scale of pay came to be revised through G.O. (Ms) No.526, Finance (PC) Department, dated 01.08.1992 to the scale of Rs.1200-2040 with effect from 01.04.1992. On 24.08.1992, the Government issued G.O. (Ms) No.664, Finance (Pay Cell) Department, granting 5% of personal pay to those employees, whose scale of pay

falls under the four categories of revised scales of pay stipulated thereunder. A clarification was thereafter issued by the Government on 30.09.1992, clarifying that the personal pay ordered in G.O. (Ms) No.664, dated 24.08.1992, would be applicable to all categories of staffs, irrespective of whether they belong to ministerial service or other categories.

4. Incidentally, the pre-revised scale of pay and the revised scale of pay of a Steno-Typist, are identical to that of the Data Entry Operators. In other words, the pre-revised scale of pay of Steno-Typist at Rs.610-1075 and their revised scale of pay at Rs.1200-2040 with effect from 01.04.1992, are also the pay scales of the Data Entry Operators. Since these Steno Typists were not granted 5% personal pay, a batch of Writ Petitions came to be filed and pursuant to the orders passed by this Court, the Government had issued G.O. (Ms) No.143, Finance Pay Cell, dated 03.06.2014, whereby the 5% of personal pay were granted to the Steno-Typists also. Since the pay scales of the Steno-Typists are equal to that of the Data Entry Operators, who are the petitioners herein, they claim for 5% of personal pay.

5. In the meantime, the Government had issued certain clarifications through their letter in Letter No.106614/PC/92-1 dated 30.09.1992. As per the said clarifications, when a point was raised as to whether the personal pay ordered in the G.O. cited may be applied only to the categories of Record Clerks, Junior Assistants, Assistants and Superintendent, it was clarified that the personal pay ordered in the Government Order in G.O. (Ms) No.664, dated 24.08.1992, would be applicable to all categories of employees in the scales of pay as mentioned in the G.O., irrespective of whether they are in ministerial service or other categories.

6. The learned Government Advocate produced the copy of the written instructions in Letter No.CC1/1407/2017, dated 15.07.2022 whereby, the Joint Commissioner of Commercial Taxes Department had clarified that, the petitioners are eligible for 5% of personal pay as per the clarification letter of the Government dated 30.09.1992 under category of "Other Categories". The petitioners herein, who are all Data Entry Operators, would come under the category of "Other Categories" and therefore, the clarification issued by the Government in their letter dated 30.09.1992, would be squarely applicable to them also. As such,

the rejection of the petitioners' earlier claim through the impugned orders, cannot be sustained. Accordingly, they would be entitled for grant of 5% of personal pay, with effect from 01.08.1992 as per G.O.(Ms) No.664, Finance (Pay Cell) Department, dated 24.08.1992.

7. In the light of the above observations, the impugned orders dated 18.01.2016 and 16.02.2016, are quashed. Consequently, there shall be a direction to the respondents herein to pass appropriate orders, granting 5% of personal pay to the petitioners with effect from 01.08.1992, as stipulated in G.O.(Ms) No.664, Finance (Pay Cell) dated 24.08.1992 and extend the benefits of G.O. (Ms) No.143, Finance (Pay Cell) dated 03.06.2014, within a period of twelve (12) weeks from the date of receipt of a copy of this order. All the Writ Petitions stands allowed. Since final orders are passed in the present Writ Petitions, the Miscellaneous Petition in W.M.P.No.29867 of 2021 stands closed. There shall be no order as to costs.

25.01.2023

Index :Yes / No
Internet:Yes / No
Order : Speaking / Non Speaking
Neutral Citation: Yes / No
DP
Note:Issue order copy on 31.01.2023

To

1.The Additional Chief Secretary to Government,
Department of Finance,
Fort St. George,
Chennai-600 009.

2.The Principal Secretary to Government,
Personnel & Administrative Reforms Department,
Fort St. George,
Chennai-600 009.

3.The Principal Secretary to Government,
Commercial Taxes and Registration Department,
Fort St. George,
Chennai-600 009.

4.The Commissioner of Commercial Taxes,
Chepauk, Chennai-600 005.

5.The Joint Commissioner of Commercial Taxes,
(Computer Systems), Greams Road,
Chennai-600 006.

M.S.RAMESH,J.

DP

W.P.Nos.21836 to 21838 of 2017
&
WMP.No.29867 of 2021

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