



WEB COPY



*WP.No.1423/2017*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.07.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.1423/2017 & WMP.No.1360/2017

1.K.R.Balasubramanian

2.A.Aruldoss

... Petitioners

Versus

1.The Secretary

Government of Tamil Nadu  
Animal Husbandry, Dairying  
and Fisheries [AH 1] Department  
Secretariat, Chennai 600 009.

2.The Director,

Animal Husbandry & Veterinary Services  
Chennai 600 006.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records of the 1<sup>st</sup> respondent in his proceedings letter No.4727/KaPa1/2015-8 and quash his order dated 25.04.2016 and direct him to award Special Grade in the post of Livestock Inspector Grade I in Tamil Nadu Animal Husbandry Subordinate Service by counting the services rendered by the petitioners in the category of Livestock Inspector Grade 2 and 1 and Vaccinators.

For Petitioners

:

Mr.S.Balasubramanian



**WP.No.1423/2017**

For Respondents : Mr.T.K.Saravanan, GA

**ORDER**

- (1) Two writ petitioners have filed the writ petition in the nature of a certiorarified mandamus seeking interference with the order of the 1<sup>st</sup> respondent dated 25.04.2016 in Letter No.4727/KaPa1/2015-8 and consequently direct the 1<sup>st</sup> respondent to grant Special Grade in the post of Livestock Inspector Grade I in Tamil Nadu Animal Husbandry Subordinate Services by counting the services rendered by the petitioners in the category of Livestock Inspectors Grade 2 and 1 and Vaccinators.
- (2) The 1<sup>st</sup> petitioner, K.R.Balasubramanian, had joined the Tamil Nadu Animal Husbandry Subordinate Service as Vaccinator on 06.05.1977. He served in that capacity for 7 years and 11 months. He then became Livestock Inspector Grade-2 on 07.04.1985 and Livestock Inspector Grade1 on 04.01.2000. He retired on attaining the age of superannuation on 31.10.2009. He had put in 24 years and 6 months of service as Livestock Inspector Grade 1 and 2. If the period of service as Vaccinator is calculated, then it would imply that he had



**WP.No.1423/2017**

WEB COPY

put in a total of 32 years and 5 months of service. This would enable him to get full pension.

- (3) The 2<sup>nd</sup> petitioner, A.Aruldoss, had similarly joined the Tamil Nadu Animal Husbandry Subordinate Service as Vaccinator also on 06.05.1977. He served in that capacity for 5 years and 6 months and became Livestock Inspector Grade-2 on 11.11.1982 and Livestock Inspector Grade-1 on 07.07.1999. He retired on attaining the age of superannuation on 30.06.2010 after putting in 27 years and 7 months of service as Livestock Inspector Grade 1 and 2. If the period for which he served as Vaccinator, is taken into consideration, he would have put in a total service of 33 years and 1 month which would have qualified him to get full pension.
- (4) It is stated by the learned counsel for the petitioners, on the basis of the above services rendered by the two petitioners that the period for which they served as Vaccinators should also be counted for the purposes of calculating the pension. It is claimed that this was recommended by the 2<sup>nd</sup> respondent to the 1<sup>st</sup> respondent, but the 1<sup>st</sup> respondent had unfortunately taken an adverse view and refused to



**WP.No.1423/2017**

WEB COPY

accept the recommendation of the 2<sup>nd</sup> respondent. In the impugned order, which is dated 25.04.2016, the 1<sup>st</sup> respondent had drawn reference to an earlier letter dated 01.09.2015 which was also issued on the basis of recommendation issued by the 2<sup>nd</sup> respondent.

- (5) On the side of the respondents, it is contended that the Government had taken a policy decision that the services rendered in the Selection Grade / Special Grade of lower post for awarding Selection Grade/Special Grade in the higher post, cannot be made applicable with effect from 01.06.2009. This would mean that the concession for services rendered by the petitioners as Vaccinators, either in the Selection Grade or in the Special Grade, cannot be counted while determining the qualifying years for grant of Selection Grade/Special Grade in the post of Livestock Inspectors.
- (6) In the counter affidavit, which has been relied on by the learned counsel appearing on behalf of the respondents, once again the same position has been reiterated. It had been stated that in G.O.Ms.No.141, Finance [Pay Cell] Department, dated 09.03.1988, the Government had ordered to grant Special Grade in Grade-1



**WP.No.1423/2017**

WEB COPY

employees who have worked as Livestock Inspectors Grade 2 and then in Special Temporary Livestock Inspector Grade-1 post for a period of 30 years or who worked in the same post of Livestock Inspector Grade-2 without promotion for a period of 30 years.

- (7) In the instant case, both the petitioners have been granted promotion, originally as Livestock Inspector Grade-2 and then Livestock Inspector Grade-1. By that promotion, not only were their services been acknowledged, but their pay has also been protected. The claim of the petitioners to take into consideration the services put in by them in the lower post namely, the post of Vaccinator, has been rejected by the Government by their Letter. The reasoning was on the basis of the Government Letter No.23373/S/2011, Personnel and Administrative Reforms [S] Department, dated 09.08.2011 and the subsequent Letter dated 14.05.2012. It had been stated that this is the latest position prevailing in the said matter.
- (8) The writ petition has been filed questioning the letter of the 1<sup>st</sup> respondent dated 25.04.2016. But, unfortunately, there has been an earlier policy decision taken on behalf of the respondents which was



**WP.No.1423/2017**

WEB COPY

on 01.09.2015. The Government Orders are clear. The Government Orders have stated that after implementation of the revised pay scales, the concession allowed towards counting the services in Selection Grade and Special Grade of the lower post for awarding Selection Grade/Special Grade in the higher post cannot be made applicable with effect from 01.06.2009. The petitioners had both retired subsequent to 01.06.2009. The 1<sup>st</sup> petitioner had retired on 31.10.2009 and the 2<sup>nd</sup> petitioner had retired on 30.06.2010. Therefore, the grant of Selection Grade and Special Grade in the lower post cannot be counted for the services rendered by the petitioners as Livestock Inspectors Grade 2 and 1. The reason given is that there has been revision of pay which naturally meant that the pay of the petitioners had been protected and they had been granted higher pay when they were promoted as Livestock Inspectors Grade 2 and 1.

- (9) Let me also extract the relevant portion of the letter dated 01.09.2015 which would give further clarification to the entire issue:-

*"After the implementation of revised pay scales, the*



**WP.No.1423/2017**

*concession allowed towards counting the services rendered in the Selection Grade / Special Grade of the lower post for awarding Selection Grade/Special Grade in the higher post cannot be made applicable w.e.f. 01.06.2009. Necessary instructions have been issued to that effect vide Letter No.23373/S/2011, Personnel and Administrative Reforms [S] Department dated 09.08.2011 and Government Letter No.7296/S/2012, Personnel and Administrative Reforms [S] Department dated 14.05.2012."*

(10) In view of the above said stand of the 1<sup>st</sup> respondent, wherein they have very specifically stated that pay protection has been given at the time of grant of Selection Grade and Special Grade to the petitioners while working as Livestock Inspectors Grade 2 and 1, I hold that no case has been made out by the petitioners to include their services as Vaccinators.

(11) The writ petition, therefore, stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.



***WP.No.1423/2017***

**25.07.2023**

AP  
Internet : Yes

To

- 1.The Secretary  
Government of Tamil Nadu  
Animal Husbandry, Dairying  
and Fisheries [AH 1] Department  
Secretariat, Chennai 600 009.
- 2.The Director,  
Animal Husbandry & Veterinary Services  
Chennai 600 006.



WEB COPY



***WP.No.1423/2017***

**C.V.KARTHIKEYAN, J.,**

**AP**

**WP.No.1423/2017**

**25.07.2023**