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Writ Appeal No.999 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.12.2023

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE G.ARUL MURUGAN**

Writ Appeal No.999 of 2019

and

C.M.P.No.7504 of 2019

1.The Deputy Registrar of Cooperative Societies,
Mayiladuthurai,
Nagapattinam District.

2.The Sub-Treasury Office,
Mayiladuthurai,
Nagapattinam District.

... Appellants

Vs.

G.Jegadeesan
S/o.Govindasamy

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order of this Court passed in W.P.No.29257 of 2012, dated 26.11.2012.

For Appellants	: Mr.K.V.Sajeev Kumar, Special Government Pleader
For Respondent	: No appearance

JUDGMENT



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(Judgment of the Court was delivered by R.SURESH KUMAR,J.)

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This appeal has been directed against the order passed by the Writ Court dated 26.11.2012 made in W.P.No.29257 of 2012.

2. Along with the said writ petition some more writ petitions were also disposed of by a common order of the Writ Court dated 26.11.2012.

3. The grievance of the writ petitioners before the Writ Court was that, they had been working as Drivers at various Departments of the State Government and that is the post, where they have been stagnated for several years, therefore, such kind of persons, who have been in such kind of stagnation would be entitled to get Selection Grade after 10 years of service and would be entitled to get Special Grade after 20 years of service i.e., 10 years after the conferment of Selection Grade. That kind of gesture since has not been shown to these drivers, they approached the Writ Court seeking indulgence of the Court.

4. Learned Single Judge, who heard the matter disposed of all those writ petitions by the impugned order dated 26.11.2012, where he has stated that the pay for ordinary grade was Rs.4000-6000, Selection



Grade was Rs.5000-8000 and Special Grade was Rs.5500 – 9000, such a financial upgradation is to be given as per G.O.Ms.No.162, Finance (PC) Department, dated 13.04.1998.

5. In fact, the said issue was not decided first time by the learned Single Judge and that issue had already been concluded by the Division Bench judgment in W.A.(M.D).Nos.130 to 132 of 2011 order dated 14.02.2011, W.A.No.342 of 2012 dated 17.04.2012 and W.A.No.2243 of 2012 dated 09.10.2012. These are all the judgments referred by the learned Single Judge, following the same only the learned Single Judge allowed the writ petition through the impugned judgment herein.

6. We have heard Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the appellants and have perused the materials placed before this Court.

7. As the issue had already been concluded by more than one Division Bench judgment, as against which no contra order had been produced before this Court by the appellants' side and moreover, the Drivers, who have been stagnated without any promotion for several



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years and retired from service on superannuation having not been conferred the status of selection grade and special grade, they will be losing the salary as well as the pensionary benefits.

8. However, these people retired long back, it is now with regard to the difference in pensionary benefits alone is the matter, therefore, for such benefits only they had approached the Court and accordingly, their grievance was redressed by the order passed by the Writ Court through the impugned order.

9. Therefore, we do not find any error in the said approach of the learned Single Judge in allowing those writ petitions, which is impugned herein. Hence, the appeal deserves to be rejected, accordingly, it is dismissed. No costs. Connected miscellaneous petition is closed.

(R.S.K.,J.)

(G.A.M., J.)

11.12.2023

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation:Yes/No
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