



W.P.(MD)No.7198 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.7198 of 2020

and

W.M.P(MD)Nos.6629 and 6633 of 2020

Deneshbabu

... Petitioner

Vs.

1.The Commissioner,
Department of Social Defence,
No.300, Pursawakkam High Road,
Kellis, Chennai – 600 010.

2.The Assistant Director (I/c)
Commissioner Office,
Social Welfare Department,
Chennai – 600010.

3.The Superintendent,
Government Children's Home,
V.O.C. Nagar, Thanjavur – 7.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in No.14265/A2/2017 dated 09.05.2018 passed by the second respondent and quash the same as illegal and consequently directing the respondents to refix the scale of pay of the



W.P.(MD)No.7198 of 2020

petitioner with effect from 15.06.2007 and release all the monetary benefits to the petitioner within the stipulated time fixed by this Hon'ble Court.

For Petitioner : Mr.S.A.Ajmalkhan
For Respondents : Mr.R.Baskaran,
Additional Advocate General
Assisted by
Mrs.K.Christy Theboral

ORDER

This writ petition has been filed to quash impugned order passed by the second respondent in No.14265/A2/2017, dated 09.05.2018, as illegal and consequently, to direct the respondents to refix the scale of pay of the petitioner with effect from 15.06.2007 and release all the monetary benefits to the petitioner within a stipulated period.

2. The case of the petitioner is that he was appointed as a Typist in the respondent Department on 15.06.1987. After completion of ten years of service, he was awarded with Selection Grade on 15.06.1997. Subsequently, as per the order of the first respondent, dated 09.08.2007, he was awarded with Special Grade. Subsequently, on attaining the age



W.P.(MD)No.7198 of 2020

WEB COPY

of superannuation, he retired from service on 31.05.2018 as Special Grade Junior Assistant. While being so, the petitioner has made representations requesting to pay the Grade Pay as Rs.4400/- in terms of G.O.Ms.No.234, Finance (PC) Department, dated 01.06.2009. However, the second respondent passed the impugned order rejecting the request of the petitioner. Challenging the same, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that the petitioner entered into service as a Typist and he retired from service as Special Grade Junior Assistant, after completion of 31 years of unblemished service. During his service, he has not involved in any corrupt practice or awarded with any punishment. It is an admitted fact that, the person, who completed ten years of service is entitled for Selection Grade and after completion of twenty years of service, is entitled for Special Grade and after completion of thirty years of service, is entitled for Super Grade. In the case of the petitioner, after completion of 30 years of service, he was not awarded with Super Grade and his pay was not fixed in terms of G.O.Ms.No.234, dated 01.06.2009.



W.P.(MD)No.7198 of 2020

WEB COPY

4. The learned counsel appearing for the petitioner would further submit that the Government has issued a clarification letter, dated 08.11.2020. A bare perusal of the same, makes it clear that while refixing the pay of the employees, the Heads of Department/Pay fixing authorities, are directed to ensure that in case if the Selection Grade / Special Grade scales of pay indicated in the Annexure – I, is more than the first level and second level promotion posts, then in such case, their Selection Grade / Special Grade / Special Grade scales of pay should be restricted to the level of their first level and second level promotion post only. However, in the case of the petitioner, Super Grade was not fixed on par with the promotional post and the impugned order is passed contrary to G.O.Ms.No.234, dated 01.06.2009 and the clarification letter dated 08.11.2020 and prays for allowing of this writ petition.

5. The learned Additional Advocate General would submit that though the present impugned order was not in clear terms of G.O.Ms.No. 234, dated 01.06.2009, this Court may set aside the impugned order and the matter may be remanded back to the first respondent for fresh



W.P.(MD)No.7198 of 2020

WEB COPY

consideration in terms of G.O.Ms.No.234, dated 01.06.2009 and the Clarification letter, dated 08.11.2010.

6. Accordingly, this writ petition is allowed and the impugned order of the first respondent, dated 09.05.2018, is set aside and the matter is remanded back to the first respondent for considering the matter afresh and to pass appropriate orders in terms of G.O.Ms.No.234, Finance (PC) Department, dated 01.06.2009 and the clarification letter issued by the Government in Letter No.63305 / Pay Cell/ 2010-1, dated 08.11.2010. Such exercise shall be completed, within a period of twelve weeks from the date of receipt of a copy of this order, after providing opportunity to the petitioner. No Costs. Consequently, connected miscellaneous petitions are closed.

20.02.2023

pm

NCC:Yes/No

Index:Yes/No



W.P.(MD)No.7198 of 2020

WEB COPY

To

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M.DHANDAPANI,J.

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