



W.P.(MD)Nos.18240 & 18254 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)Nos.18240 & 18254 of 2021

G.Ramiladevi
M.Subulakshmi

... Petitioner in W.P.(MD)No.18240 of 2021
... Petitioner in W.P.(MD)No.18254 of 2021

Vs.

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The Registrar General,
Madras High Court, Chennai.

3.The Sessions Judge,
Mahalir Neethimandram, Madurai.

...Respondents in both W.Ps.

PRAYER in W.P.(MD)No.18240 of 2023: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to refix the pay of the petitioner in the post of Selection Grade Typist at Rs. 9300-34800+4200 Grade Pay notionally w.e.f., 01.01.2006 and with monetary benefits from 01.02.2011 by considering the representation of the petitioner dated 20.12.2019.



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PRAYER in W.P.(MD)No.18254 of 2023: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to refix the pay of the petitioner in the post of Selection Grade Typist at Rs.9300-34800+4200 Grade Pay notionally w.e.f., 01.01.2006 and with monetary benefits from 01.02.2011 and consequently, refix the petitioner's pension scale by considering the representation of the petitioner dated 26.12.2019.

For Petitioner : Mr.R.Maheswaran
For R1 : Mr.M.Lingadurai,
Special Government Pleader
For R2 & R3 : Mr.G.Thalaimutharasu
(in both W.Ps.)

COMMON ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

These Writ Petitions have been filed to direct the respondents to refix the pay of the petitioners in the post of Selection Grade Typist at Rs.9300-34800+4200 Grade Pay notionally w.e.f., 01.01.2006 and with monetary benefits from 01.02.2011.

2.The relief as such sought for *prima facie* is belated and hit by laches.

In respect of the Pay Commission, the Government issued an order in



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G.O.(Ms)No.162, Finance (Pay Cell) Department, dated 13.04.1998 and based on the subsequent clarification letter of the year 2010, the present Writ Petitions have been filed in the year 2021 after a lapse of more than 10 years.

3.On facts, the petitioners admittedly were appointed as Copyist in Judicial Department. Presently, they are working as Special Grade Typist in Mahalir Neethimandram, Madurai. Admittedly, the petitioners were awarded Selection Grade in the post of Typist.. The petitioner in W.P.(MD)No.18240 of 2021 relinquished her right of promotion permanently.

4.The learned counsel appearing for the petitioners mainly contended that as per the clarification letter issued by the Government on 08.11.2010, the petitioners are entitled for re-fixation of pay with effect from the year 2016. The petitioners relied on paragraph No.4(i) of the clarification letter, which reads as under:-

“ 4(i).The revised Selection Grade / Special Grade scales of pay in the case of employees awarded Selection Grade / Special Grade prior to 1.1.2006 and in whose cases the Ordinary Grade scales of pay have been revised based on the recommendations of One Man Commission / further order of Government thereon shall be fixed as



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per the scales of pay indicated in the Annexure-I to this letter following the same methodology of fixation of pay in the Selection Grade / Special Grade scales of pay of employees as was done in pre-2006 scales of pay as indicated in Appendix-II of G.O.Ms.No.162, Finance (PC) Department, dated 13-4-98 subject to the same condition stipulated therein that if the revised Selection Grade / Special Grade scales of pay indicated in the Annexure-I happens to be higher than the first level / second level promotion posts, then in such cases only the revised Selection Grade / Special Grade scales of pay should be restricted to the level of their first level and second level promotional posts respectively.”

5.However, the Government order issued in G.O.(Ms)No.162, dated 13.04.1998, stipulates certain conditions for re-fixation of pay. In this context, paragraph No.4 of G.O.(Ms)No.162, dated 13.04.1998 that Selection Grade and Special Grade will be the corresponding revised scales based on the existing pay scales of these grades. The appropriate revised scales of pay for Selection Grade / Special Grade are indicated in Schedule-II to the Tamil Nadu Revised Scales of Pay Rules, 1988. Provided further, Selection and Special Grade scales shall be regulated as below:-

(i)For posts, having no promotional avenue, the Selection Grade and Special Grade shall be allowed as indicated in Schedule-II.



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(ii)For posts having promotional posts, if the Selection Grade scale of pay indicated in the said Schedule is higher than the pay scale of promotional post, the Selection Grade scale should be limited to the pay scale of the first level promotion post. Similarly, if the Special Grade scale is higher than the pay scale of second level promotion post, the Special Grade scale shall be limited to the pay scale of second level promotion post only.”

6.With reference to the case of the writ petitioners, their case is not falling within the ambit of the conditions stipulated in G.O.(Ms)No.162, dated 13.04.1998. By virtue of the clarification letter, the petitioners cannot seek any re-fixation and therefore, we do not find any merit to consider the relief as such sought for to refix the pay with effect from 01.01.2006. As we have stated above, this Writ Petition is hit by laches. For all these reasons, these Writ Petitions are dismissed. No costs.

(S.M.S., J.) & (V.L.N., J.)

05.12.2023

NCC : Yes / No
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