



W.P.(MD).No.1458 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.11.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD).No.1458 of 2018
and
W.M.P.(MD).No.1524 of 2018

- 1.S.Chithambaram
- 2.T.George
- 3.A.Kumaresapillai
- 4.M.Subbaian Asari
- 5.A.Sornappan
- 6.P.Sivasubramania Pillai
- 7.N.Rajavadivu
- 8.P.Abdul Razak
- 9.A.Kanagaraj
- 10.A.Theyvanayagam Pillai
- 11.N.Sreedharan Pillai



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12.P.V.Subramaniam

13.K.Sreekandan Nair

14.S.Ramaswamy

15.M.Shanmugam

16.T.Meenakshi Sundaram

17.A.Jayakumar

18.S.Rengaraj

19.K.Subramanian

20.D.Subburengaraj

21.P.Murugan

22.M.Mohammed Shali

23.N.Soundararajan

24.M.Nallasivan

25.G.Shabhutheen

26.S.Pandaram

27.S.Murugan

28.S.Poovalingam

29.N.Subramanian



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30.N.Thangaraj

31.N.Ganesan

32.S.Gurusamy

33.N.Pachaimuthu

34.M.Akbar

35.A.Devadhas

36.S.Arumugam

37.A.Alhappan

38.S.Michael

39.M.Masthan

40.B.Meenakshi Sundaram

41.R.Ganeshan

42.G.Ramasamy

43.G.Shanmuganathan

44.N.Rajangam

45.M.Selvam

46.K.Balasubramonian

47.V.Amirthalingam



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48.R.Mathivanan

49.V.Sahaddevan

50.M.Ganesan

51.A.Oorudaiyan

52.K.Raman

53.S.Pandiyan

54.S.Rethinam

55.S.Malayalan

56.T.Maruthairaj

57.V.Vijayarengan

58.N.Jeganathan

59.S.Arputhamani

60.V.Ponnusamy

61.R.Thirupathy

62.M.Haja Mohideen

63.S.Selvam

64.R.Govindarajan

65.S.Arockiasamy



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66.A.Kanagarajan

67.N.Nadimuthu

68.P.Durairaj

69.C.Bosepathy

70.A.Paneerselvam

71.S.Ramalingam

72.R.Kulanthaisamy

73.L.Karthikeyan

74.G.Rajendran

75.N.Mohan

76.N.Ramalingam

77.S.Venkatraman

78.L.Manickavasagam

79.C.Manickam

80.P.Pushparaj

81.N.Siva

82.P.Rajendran

83.R.Santhanam



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84.C.Parasuraman

85.A.Duraisamy

86.R.Thanasekaran

87.R.Govindan

88.K.Narayanan

89.R.Kuppusamy

90.S.Sekar

91.Ekambaram.D

92.S.Dinakaran

93.S.Manimozhi

94.N.Balakrishnan

95.G.Govindasamy

96.K.Panchabakesan

97.K.Manogaran

98.P.Ramalingam

99.G.Sambantham

100.Sundarajan.M

101.G.K.Gunasekaran



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102.P.Varatharajan

103.V.Subramaniam

104.R.Thangavel

105.R.Vijayan

106.N.Rengasamy

107.P.Gnanasekaran

108.S.Kulandaivel

109.M.Ganesan

110.R.Ulaganathan

111.R.Kanthadivel

112.M.Marappan

113.R.Rengasamy

114.A.Sukunakumar

115.AR.Rengasamy

116.P.Palanisamy

117.C.Kannamalai

118.C.Muniappan

119.M.Jaganathan



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120. B.Madhappan

121.S.Sivarajan

122.C.Subramaniam

123.L.Kannan

124.S.K.Saiyath Kaganavas

125.S.Sampath

126.M.Sekar

127.V.Karuppaya

128.M.Sivayogam

129.D.Devathoss

130.M.Muthaiah

131.L.Janagiramann

132.V.Joseph

133.M.Nehru

134.R.Munusamy

135.S.Saikyah Mohideen

136.R.Kalyanasundaram

137.K.Thangasami



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138.Durai Jayaraman

139.M.Subramanian

140.V.Murugesan

141.R.Sowthirajan

142.V.Balathandayatham

143. A.Selvaraj

144. V.Dhanakodi

145.A.Anathan

146.G.Thiyagarajan

147.R.Mathivanan

148.V.Palanivelu

149.A.Dhandapani

150.L.Veerasingam

151.B.Jayaraman

152.S.Ramamoorthi

153.R.Nadu Chezhiyan

154.L.Natesan

155.A.Ramalingam



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156.S.Muthuvel

.. Petitioners

Vs.

1.State of Tamil Nadu,
Represented by its Secretary to Government,
Finance (Pay Cell) Department,
Fort St.George,
Chennai – 600 009.

2.The Registrar General,
High Court,
Madras – 600 104.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records relating to Letter No.10893/PC3/2017-1 dated 04.07.2017 of the 1st Respondent and quash the same and consequently direct the respondents herein to pay 5% of the Basic Pay as Personal Pay to the petitioners with effect from 01.08.1992.

For Petitioners	: Mr.C.Mahadevan
For R-1	: Mr.S.Shanmugavel Additional Government Pleader
For R-2	: Mr.T.S.Mohamed Mohidheen



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ORDER

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

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The petitioners are retired Process Servers and filed the Writ Petition claiming that they are entitled for 5% personal pay granted pursuant to the recommendations of the 5th Pay Commission with effect from 01.08.1992.

2. An application was submitted seeking 5% personal pay relying on the Government Order issued in G.O.(Ms)No.664 Finance (Pay Cell) Department dated 24.08.1992.

3. In the said Government Order, personal pay was granted based on the recommendations of the 5th Tamil Nadu Pay Commission and considering the grievance of the Employees Association regarding the pay anomaly caused to certain categories of employees. Considering the pay anomaly occurred and to rectify the anomaly, basic pay to the categories of staff in the following scale of pay was granted:

“i) All categories of staff in the pre revised scales of pay at Rs.475 – 775 moving over to the revised scale of pay of Rs.775 – 1030.



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ii) All categories of staff in the pre revised scale of pay of Rs.610 – 1075 moving over to the revised scale of pay of Rs.950 – 1500 or Rs.975 – 1660.

iii) All categories of staff in the pre-revised scale of pay of Rs.705 – 1230 moving over to the revised scale of pay of Rs.1200 – 2040, and

iv) All categories of staff in the pre-revised scale of pay of Rs.905 – 1545 moving over to the revised scale of pay of Rs.1600 – 2660.”

4. Paragraph 5 of the Government Order stipulates that the personal pay is sanctioned under exceptional circumstances as an one time transitional measure for all the categories in the specified scales. However, the claim of the petitioners was scrutinised by the authorities and it was found that the category of Process Server is not falling within the four categories stipulated in G.O.(Ms)No.664 Finance (Pay Cell) Department dated 24.08.1992.

5. Beyond that, 5% personal pay was granted from 01.06.1988 based on the 5th Pay Commission and the present Writ Petition was filed in the



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year 2018 and after a lapse of several years from the date of retirement of the petitioners. The pre-revised/revised scale of pay for the post of Process Server was Rs.505-843/Rs.800-1150. Therefore, the said category is not falling within the ambit of G.O.(Ms)No.664 and thus, the rejection of the claim of the petitioners is in consonance with the Government scheme implemented in G.O.(Ms)No.664 dated 24.08.1992. We do not find any infirmity in respect of the decision taken by the respondents and the same stands confirmed.

6. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S.,J.) (V.L.N.,J.)
28.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The Secretary to Government,
State of Tamil Nadu,
Finance (Pay Cell) Department,
Fort St.George,
Chennai – 600 009.

2.The Registrar General,
High Court,
Madras – 600 104.



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and
V.LAKSHMINARAYANAN,J.

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