



W.P(MD).Nos.25087, 25154, 25083, 25106, 25130 and 25118 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 27.11.2023

ORDER PRONOUNCED ON : 30.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

**W.P.(MD).Nos.25087, 25154, 25083, 25106, 25130 and 25118 of 2023
and**

W.M.P(MD).Nos.21376, 21290 and 21277 of 2023

W.P(MD).No.25087 of 2023:

M.Madasamy

....Petitioner

Vs

1.The Government of Tamilnadu
Rep.By its Principal Secretary to Government Finance
(Pay Cell) Department
Fort St.George
Chennai 600 009

2.The Government of Tamilnadu
Rep.By its Secretary to Government
Rural Development & Panchayat Raj Department,
Fort St.George
Chennai 600 009

3.The Commissioner of Rural Development
& Panchayat Raj Department
Panagal Building, Saidapet
Chennai 600 015

4.The District Collector (PD Section)
Tuticorin District
Tuticorin

...Respondents



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Prayer in WP(MD).No.25087 of 2023 : This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the second respondent to re-fix the scale of pay of the petitioner as per G.O.Ms.No.417, Finance (Pay Cell) Department, dated 12.11.2020 with all consequential benefits such as revised pension, arrears of pension within a time frame as stipulated by this Court.

Prayer in WP(MD).No.25087 of 2023

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.T.Villavan Kothai
Additional Government Pleader

COMMON ORDER

All the writ petitions have been filed by retired Block Development Officers seeking a mandamus to revise their scale of pay as per G.O.Ms.No. 417, Finance (Pay Cell) Department, dated 12.11.2020.

2.According to the learned counsels appearing for the writ petitioners all the Block Development Officers have attained superannuation in the year 2009. After their retirement, the Government of Tamil Nadu had passed G.O.Ms.No.417, Finance (Pay Cell) Department, dated 12.11.2020 (hereinafter referred as G.O.Ms.No.417).

3.The Government of Tamil Nadu had appointed Pay Grievance Redressal Committee to address the grievance arising out of implementation



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of Sixth Pay Commission. The said committee has recommended the fixation of higher pay scale considering the arduous duties and responsibilities attached to the post. The pay scale of Block Development Officers was revised from Rs.7500/- to Rs.12,000/- to Rs.9,300/- to 34,800/- +G.P. Rs.5100/-+ Rs.1000/- per month as personal pay (Notional). The learned counsel for the petitioners had relied upon paragraph Nos.14 and 18 of the said Government Order and contended that it is applicable to all the employees who retired between 01.01.2006 to 31.12.2015. The Government Order has to be given effect from the month of November 2020. He had further contended that the revised pay scale was implemented by the authorities with effect from November 2020. However, the personal pay of Rs.1000/- per month was not extended to the retired Block Development Officers with effect from November 2020 onwards. Hence, the present writ petition.

4.Per contra, the learned Additional Government Pleader appearing for the respondents had contended that as per paragraph No.14 of the said G.O, the personal pay of Rs.1000/- per month shall be allowed notionally with effect from 01.02.2011. The said personal pay is applicable only to the in-service employees and not to the retired employees. The petitioners having attained superannuation prior to 01.02.2011, are not entitled to receive the said benefit. That apart, one of the petitioners namely K.Perumal in



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WP(MD).No.25118 of 2023 had attained superannuation on 30.06.2006. By way of G.O.Ms.No.434, Finance (Pay Cell) Department dated 28.11.2020, G.O.Ms.No.417 has been amended and in paragraph No.18 instead of 01.01.2006, 12.12.2007 has been substituted. Therefore, the writ petitioners cannot avail the said benefits.

5.I have considered the submissions made on either side and perused the material records.

6.The writ petitioners primarily relied upon G.O.Ms.No.417 to confer certain monetary benefits upon them as per the said G.O. A perusal of paragraph No.14 of the said Government Order, the revision of pay scale shall take notional effect from 12.12.2007 and the personal pay of Rs.1000/- per month shall be allowed notionally with effect from 01.02.2011. In paragraph No.16, it has been pointed out that the personal pay has been sanctioned to Block Development Officers considering the arduous duties and responsibilities attached to the post and in lieu of further pay revision. The personal pay sanctioned with effect from 01.01.2016 shall be a standalone personal pay to be shown separately in the fixation of pay.

7.The Additional Chief Secretary to Government, Finance Department had issued a clarification on 02.01.2023 to the effect that the personal pay of Rs.1000/- per month sanctioned under G.O.Ms.No.417 is eligible for taking into calculation of annual increment and pensionary benefits to the employees



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who were working/retired in the post of Block Development Officer during the period from 01.02.2011 to 31.12.2015. Therefore, it is clear that the personal pay of Rs.1000/- per month is sanctioned and paid to the Block Development Officers considering their duties and responsibilities attached to the said post. In other words, the said personal pay is available only to the employees who are in service. After retirement, the personal pay of Rs.1000/- per month cannot be made available to the retired Block Development Officers in view of the fact that they will not be performing arduous duties and responsibilities.

8.In the present case, as per paragraph No.14, G.O.Ms.417, the personal pay of Rs.1000/- per month shall be allowed notionally with effect from 01.02.2011. Hence, it is clear that those who are in service as on 01.02.2011 shall be eligible to receive the said personal pay and even the said employees would not be entitled to continue to receive the said personal pay on their retirement. The petitioners having attained superannuation in the year 2009 will not be entitled to receive the said personal pay.

9.The learned counsel for the petitioners had relied upon a communication of District Collector, Madurai dated 16.10.2023 and another communication of the Director of Rural Development and Panchayat addressed to the District Collector on 27.09.2023 to the effect that even retired employees could be granted the benefits of personal pay. I am not



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inclined to accept the said proposition of law, in view of the fact that G.O.Ms.No.417 has categorically declared that the personal pay would be available to the Officers only from 01.02.2011 considering the fact that they are undertaking arduous duties and responsibilities attached to the post. Therefore, by any stretch of imagination, the personal pay cannot be paid to the retired employees.

10.The Government Orders cannot be superseded by letters and memos by the subordinate authorities. Therefore, this Court is not inclined to give any importance to those communications. There are no merits in the writ petitions. The writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

30.11.2023

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
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R.VIJAYAKUMAR, J.

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Pre-delivery order made in

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