



W.P.(MD).No.15594 of 2017

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.15594 of 2017
and
W.M.P.(MD).No.12316 of 2017

N.Muniyandi

.. Petitioner

Vs.

1.State of Tamilnadu,
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 petitioner with effect from 01.08.1992.



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For Petitioner : Mr.C.Mahadevan
For R-1 : Mr.S.Shanmugavel
Additional Government Pleader
For R-2 : Mr.N.Tamilmani

ORDER

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

The petitioner is a retired Process Server and filed the Writ Petition at the age of 64, claiming that he is 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



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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.

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 petitioner 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.



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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 year 2017 and after a lapse of about six years from the date of retirement of the petitioner. 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 petitioner 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
Lm



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