



WEB COPY



W.P.No.20994 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM

THE HONOURABLE Mrs. JUSTICE R.KALAIMATHI

W.P.No.20994 of 2012

V.Sarangam

...Petitioner

vs.

1. The Secretary,
Finance Department,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009

2. The Director, Fire and Rescue Service Department,
Rukmani Salai,
Egmore,
Chennai – 600 008

3. The Divisional Officer,
Fire and Rescue Service Department,
Krishnagiri Division,
Krishnagiri

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent proceedings Pa.Aa.No.71/04 Na.Ka.No.11521/Aa1/03 dated 25.02.2004 and to quash the same as illegal and invalid and consequently direct the respondents to pay the petitioner the personal pay at 5% in Basic Pay from 01.09.1998 to 01.01.2003 (which was paid and deducted) and subsequently to till date, as fixed in G.O.Ms.No.497 Finance (Pay Cell) Department, 15.09.1998,



W.P.No.20994 of 2012

along with interest at 12% per annum upto the date of payment within a period to be fixed by this Court.

For Petitioner : Ms.Padmaja Mohan
For Respondents : Mr.S.Rajesh
Government Advocate

ORDER

The proceedings passed by the 3rd respondent in Pa.Na.No.71/04 Na.Ka.No.11521/Aa1/03 dated 25.02.2004 is under challenge.

2. The petitioner V.Sarangan, son of Vengaiya Gounder, joined in the Tamil Nadu Fire and Rescue Service Department as Fireman, in Oothangarai, Krishnagiri Division on 10.11.1981. In the year 1998, he was promoted as Driver Mechanic. The scale of pay for Driver Mechanic in V-Pay Commission, it was Rs.975-1600. As per VI-Pay Commission, the scale of pay for the said post was revised to Rs.3200-4900 with effect from 01.01.1996. But as per One Man's Commission recommendation, G.O.Ms.No.170, Finance (Pay Cell) Department dated 15.09.1998 was issued. Wherein, the pay was raised to Rs.4000-6000 giving notional effect from 01.01.1996 with monetary benefits from 01.09.1998 as per G.O.Ms.No.534, Finance (Pay Cell) Department, dated 28.09.1998. As



W.P.No.20994 of 2012

per G.O.Ms.No.170, Finance (Pay) Department, dated 15.09.1998, it was raised Rs.4000-6000 notionally from 01.01.1996 with monetary benefit from 01.09.1998 under G.O.Ms.No.534, Finance (Pay Cell) Department, dated 28.09.1998.

3. The petitioner further submits that the government also issued orders in G.O.Ms.No.497, Finance (Pay Cell) Department, dated 15.09.1998 granting personal pay at 5% in basic pay to the employees who were below the scale of pay Rs.5500-9000 with effect from 01.09.1998. Therefore, he was sanctioned 5% personal pay till 2003 and by the impugned order it was cancelled and recovery order was passed. Hence this writ petition.

4. Ms.Padmaja Mohan, learned counsel for the petitioner and Mr.S.Rajesh, learned Government Advocate for the respondents are present.

5. Mr.S.Rajesh, learned Government Advocate appearing for the respondents would strenuously contend that as per the VI-Pay Commission, the scale of pay was revised to Rs.3200-4900 with effect from 01.01.1996 and after One Man Commission recommendations, as



W.P.No.20994 of 2012

per G.O.Ms.No.170, Finance (Pay Cell) Department, dated 15.09.1998, it was raised to Rs.4000-6000 notionally from 01.01.1996 with monetary benefit from 01.09.1998 under G.O.Ms.No.534, Finance (Pay Cell) Department, dated 28.09.1998. As per the above said G.O., persons who were promoted after 01.09.1998, as Driver mechanic are not eligible for personal pay, and the paid amount can be recovered as per the directives of the Directorate Memorandum in Na.Ka.No.18339/A4/2001 dated 19.09.2003.

6. For proper understanding, the relevant portion of G.O.Ms.No.497, Finance (Pay Cell) Department dated 15.09.1998 is extracted hereunder:

“3. The personal pay is sanctioned as one time benefit and shall not be altered once fixed as on 01.09.1998 in the event of promotion/reversion and movement to selection grade/special grade. It will apply also to the employees in the selection grade and special grade of the respective categories. The personal pay will be computed on basic pay only as on 01.09.1998. The fraction of personal pay shall be rounded off to the nearest rupees (ie) 50 paise and above shall be treated as a rupee, and below 50 paise shall be ignored. The personal pay shall not apply to any promotion beyond the scale of pay of Rs.5500-9000.”



W.P.No.20994 of 2012

WEB COPY

7. It appears that the scheme of personal pay was introduced only to the persons who are in specified pay scale considering their job responsibilities.

8. The only embargo is that the employee should draw below the scale of pay Rs.5500-9000. At the relevant point of time, scale of pay of the petitioner is Rs.4000-6000.

9. When the petitioner is in the eligible category, it is incorrect in cancelling personal pay that was paid to the petitioner herein. Therefore, the denial of personal pay as per the above said G.O to the petitioner is not acceptable.

10. However, Mr.S.Rajesh, learned Government Advocate for the respondents would strenuously contend that as per the instructions issued by the Directorate, he seeks to sustain the impugned order.

11. On careful perusal of the said G.O.Ms.No.497, Finance (Pay Cell) Department dated 15.09.1998, it is so clear that personal pay shall be paid to the employees who are in the scale of Rs.4000-6000 and personal



W.P.No.20994 of 2012

pay shall not be paid beyond the scale of Rs.5500-9000.

WEB COPY

12. Based on the aforesaid discussions, the impugned order does not pass the test of reasonableness. Therefore, it is liable to be quashed and thereby quashed.

13. In the result, the writ petition stands allowed. There is no order as to costs. Connected miscellaneous petitions stands closed.

28.06.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
mac

To

1. The secretary,
Finance Department,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009
2. The Director, Fire and Rescue Service Department,
Rukmani Salai,
Egmore,
Chennai – 600 008
3. The Divisional Officer,
Fire and Rescue Service Department,
Krishnagiri Division,



Krishnagiri

WEB COPY



W.P.No.20994 of 2012

R.KALAIMATHI, J.

mac

W.P.No.20994 of 2012

28.06.2024