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W.P.No.3921 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.3921 of 2020

S.K.Shakila

..Petitioner

-Vs-

1.The Secretary to Government
Social Welfare & Nutritious Meal Programme
Fort St George, Chennai 9.

2.The Director of Social Welfare
'Panagal Building'
Saidapet, Chennai 15.

3.The District Integrated Child Development Officer
Salem District, Salem.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the reocrds of the 2nd respondent in connection with the impugned order passed by him in Na.Ka.No.28621/NI4(4)/2018 dated 09.08.2019 and quash the same and direct the respondents to refix the Selection Grade scale of Pay of the petitioner, w.e.f. 1.1.2006 in the scale of pay of Rs.9300-34800+GP 4200 till the date of his retirement and grant her all consequential service and monetary benefits.



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For Petitioner : Mr.K.Venkataramani
Senior Counsel
for Mr.M.Muthappan

For Respondents : Mr.V.Manoharan
Additional Government Pleader.

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent dated 09.08.2019, thereby refused to refix the Selection Grade scale of pay of the petitioner with effect from 01.01.2006.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was appointed as a Junior Assistant cum Typist on 14.07.1992. She was awarded Selection Grade in the post of Junior Assistant cum Typist in the year 2002. Thereafter, she was granted Special Grade scale of pay in the year 2012. The petitioner retired from service on attaining the age of superannuation on 28.02.2014. The petitioner was awarded Selection Grade scale of pay on



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completion of ten years of her service. Accordingly, the petitioner was paid salary.

4. Subsequently, as per the Pay Commission recommendations, the petitioner submitted a representation stating that she is entitled to get salary as per G.O.No.664, Finance (PC) Department, dated 01.08.1992 from her initial service with addition of 5% Special pay. Further, as per G.O.Ms.No.497, Finance dated 15.09.1998 and G.O.No.162, Finance (PC) Department dated 13.04.1998, the petitioner is entitled to 5% Special pay and a sum of Rs.160/- as Special Pay from 01.01.1996 has to be included in her salary. She is also claiming revised salary as per the subsequent Government order.

5. Admittedly, the petitioner retired from service on 28.02.2014. While she was in service, the Government orders have been passed and the same were in force. However, the petitioner has not claimed her service. After a period of two years from the retirement, she made a representation to claim those benefits. According to the petitioner, since the petitioner was in promotional post of Assistant, her salary was accordingly fixed and she is not entitled for any Special Grade



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pay.

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6. In view of the above, the request made by the petitioner was rightly rejected and this Court finds no infirmity or illegality in the order passed by the second respondent dated 09.08.2019. Thus, the writ petition lacks merits and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. No costs.

03.09.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

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G.K.ILANTHIRAIYAN. J.

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