



W.P.No.931 of 2018

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:05.03.2024

Coram:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

Writ Petition No.931 of 2018

1.K.Narasimman (PPO No.C 63123/RD),
S/o Kuppu Rao K.V.
Block Development Officer(Retrd),
197, UMS Building,
Palladam 641 664, Tirupur District.

2.P.Selvaraj ((PPO No.C 211745/RD),
S/o R.Ponna Boyar,
Block Development Officer,(Retrd),
271, Hostel Road,
Thiruvalluvar Street,
P.Vadugapalayam, Palladam 641 664,
Tirupur District.

3.M.Rangaraj(PPO No.C 211592/RD)
S/o P.Muthusamy,
Block Development officer, (Retrd),
No.252, Bharathipuram,
Palladam 641 664, Tirupur District.

4.K.Srinivasan, (PPO No.C 211598/RD)
S/o R.Kandasamy Chettiyar,
Block Development Officer, (Retrd)
7/607, Kumaran Nagar,
Sultanpet (PO) Sulur Taluk,
Coimbatore 641 669.



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5.N.M.Prasad, (PPO No.C9116/RD)
S/o N.V.Narayanan,
Block Development officer, (Retrd),
259, Chettipalayam Road,
Arujothi Nagar, Palladam 641 664,
Tirupur District.

6.P.Myilsamy, (PPO No.C 222979/RD),
S/o Palani Gounder,
Block Development officer,(Retrd),
7/447, Palladam Main Road,
(Near Amman Mill), Sultanpet (PO),
Sulur Taluk, Coimbatore District.

.. Petitioners

/versus/

1.The Government of Tamil Nadu
Rep.by its Principal Secretary to Government,
Finance (Pay Cell)Department,
Fort St.George, Chennai 600 009.

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

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

4.The District Collector (PD Section),
Coimbatore District, Coimbatore.

5.The District Collector (PD Section),
Tirupur District, Tirupur.

.. Respondents



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Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to letter No.43521/Pay Cell/2017-1, dated 28.11.2017 passed by the first respondent and quash the same and further direct the first respondent to revise the scales of pay/pension of the petitioner as per G.O.Ms.No.71 (Finance) Pay Cell, dated 26.02.2011, in with all consequential benefits such as revised pension, arrears of pension.

For Petitioners :Ms.T.Hemalatha

For Respondents :Mr.L.S.M.Hasan Fizal
AGP

ORDER

Heard Ms.T.Hemalatha, Learned Counsel appearing for the Petitioners and Mr.L.S.M. Hasan Fizal, Learned Additional Government Pleader appearing for the Respondents and also perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the first Respondent to revise the scale of pay of the Petitioners as per G.O. Ms.



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No. 71, Finance (Pay Cell) Department dated 26.02.2011 in accordance with the directions given in para 51(vi) of the judgment rendered by the Division Bench of this Court in ***S.Pachiappan -vs- Tamil Nadu Pollution Control Board*** (Order dated 27.02.2014 in W.A.No.504 of 2013) with all consequential benefits, such as revised pension, arrears of pension and salary if any.

3. It is borne out from the materials placed on record that after the said order was passed by the Division Bench of this Court in ***S.Pachiappan v. Tamil nadu Pollution Control Board*** (Order dated 27.02.2014 in W.A.No.504 of 2013), the Hon'ble Supreme Court of India had granted certain further directions in the matter and the Government of Tamil Nadu has issued G.O.Ms.No.417, Finance (Pay Cell) Department, dated 12.11.2020, in which it has been stated as follows:-

“11. In the reference eleventh read above, the Hon'ble Supreme Court of India in its order dated 28.11.2019 in a batch of Civil Appeal Nos. 10029 / 2017 etc., directed the Government to constitute a Pay Grievance Redressal Committee under the Chairmanship of Hon'ble Justice Thiru. D.Murugesan, formerly Chief Justice, High Court of Delhi with



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specific terms of reference to be framed by Government. Hon'ble Supreme Court of India has also ordered that, the affected categories shall not be permitted to migrate to 7th Central Pay Commission scales on the basis of the higher scales till such time as a final decision is taken.

12. Accordingly, in the Government Order twelfth read above, Pay Grievance Redressal Committee was constituted under the Chairmanship of Hon'ble Justice Thiru.D.Murugesan, formerly Chief Justice High Court of Delhi along with two official administrative Members and two co-opted Members recommended by the Chairman, with specific terms of reference to examine all the representations received from Associations, individual employees relating to anomalies in respect of pay structure ordered based on the recommendations of One Man Commission, 2010, G.O.Ms.No.71, Finance (Pay Cell) Department, dated: 26.02.2011 and G.O.Ms.No.242, Finance (Pay Cell) Department, dated: 22.07.2013.

13. The Pay Grievance Redressal Committee, 2019 after conducting detailed hearings with the Block Development Officers Association and individual employees has recommended fixation of the pay scale of Block Development Officers at Rs.9300-34800+GP 5100 plus Personal Pay Rs.1000/- p.m. instead of Rs. 1000/- p.m. Special Allowance ordered in the reference seventh read above.

14. The Government, after careful examination of the recommendations of Pay Grievance Redressal Committee, 2019 notes that the Pay Grievance Redressal Committee has heard the views of 2397 individual employees and 243 Associations



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against G.O.Ms.No.71, Finance (Pay Cell) Department, dated 26.02.2011 and G.O.Ms.No.242, Finance (Pay Cell) Department, dated 22.07.2013 and has arrived at its conclusions duly considering all representations heard in person and received in writing. After careful consideration of the report of the Committee, Government has decided to accept and implement the recommendations relating to the scales of pay of Block Development Officers in Rural Development Department and accordingly direct as follows:

In supersession of the orders issued in the reference second, third and seventh read above in so far as it relates to the pay scales of Block Development Officers in Rural Development Department and in exercise of the powers conferred under Rule 13 of the Tamil Nadu Revised Scales of Pay Rules, 2009 Government issues the following amendment to the pay scale for the post of Block Development Officers in Rural Development Department as follows:-

AMENDMENT

<i>Name of the Post</i>	<i>Pre-revised scale of pay</i>	<i>Revised scale of pay + Grade pay</i>
Block Development Officer	Rs.7500 – 12000	Rs.9300-34800 + G.P. 5100 + Rs.1000/- p.m. As Personal Pay (Notional)

The revision of pay scale ordered above 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.

15. The Tamil Nadu Revised Pay Rules 2017, have come in to effect notionally from 01.01.2016 and with monetary benefit



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from 01.10.2017. The employees in the category of Block Development Officer in Rural Development Department shall be allowed to migrate to revised pay scales under Tamil Nadu Revised Pay Rules, 2017 as ordered in G.O. ninth read above.

16. Accordingly, the Block Development Officers in Rural Development Department are entitled to migrate to the Tamil Nadu Revised Pay Rules, 2017 as follows:-

<i>Name of the Post</i>	<i>Pre-revised scale of pay</i>	<i>Revised scale of pay + Grade pay</i>
Block Development Officer	Rs.9300-34800 + G.P. 5100 + Rs.1000/- p.m. As Personal Pay (Notional)	Level – 20, Rs.37700 – 119500 + Rs.2600/- p.m., As Personal Pay

As 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.

17. The Head of Department concerned is directed to issue necessary instructions to all Heads of Offices and Sub-ordinate Offices to revise the scale of pay of Block Development Officers as ordered in para 14 above and re-fix their pay appropriately in the admissible revised scales of pay and issue necessary revised pay fixation orders for the purpose of drawing salary with effect from 01st November, 2020 the petition as admissible



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accordingly.

20. Employees who retired prior to 01.01.2006 and had their pension revised with reference to G.O.Ms.No.235, Finance (Pay Cell) Department, dt.01.06.2009 are also entitled for revision of pension / family pension with reference to orders issued in the reference tenth read above.”

4. In view of the subsequent events, nothing remains for further consideration in this Writ Petition, but if the Petitioners have not been extended the benefits granted in G.O. Ms. No. 417, Finance (Pay Cell) Department dated 12.11.2020 issued by the Government of Tamil Nadu, they are not precluded from working out their rights before the proper forum in that regard.

5. In fine, the Writ Petition is disposed of with the aforesaid observations.

6. There shall be no order as to costs.

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Index:yes/no



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Speaking order/non speaking order

Neutral citation:yes/no

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BATTU DEVANAND,J.

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