



W.P.No.2839 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 16.11.2023

PRONOUNCED ON : 23.04.2024

CORAM:

THE HON'BLE Dr. JUSTICE D.NAGARJUN

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1. A.Dhandapani
2. G.C.Komaraswamy
3. M.Selvaraj
4. N.Venugopal
5. P.Johnraju
6. M.Mahavishnan
7. N.Ganesan
8. J.George Gnanapal
9. G.Amirudeen

...Petitioners

Vs.

1. The Government of Tamil Nadu
rep. By its Secretary, Agriculture Department,
Fort St.George, Chennai – 600 009.
2. The Director of Agriculture,
Chepauk, Chennai – 600 005.

..Respondents

Prayer : Writ petition has been filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the respondents to grant of 5% personal pay to the petitioner as per the orders of the Tamil Nadu Administrative Tribunal in O.A.No.2479/1993 dated 17.11.1995 and



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the orders of this Court in W.P.No.18749 of 2003 dated 01.10.2007 and grant them all consequential benefits.

For petitioner : Mr.P.Mohanraj
For Mr.P.Rajendran
For respondents : Ms. M.Jayanthy,
Additional Government Pleader

ORDER

This writ petition is filed seeking for a direction to grant 5% of personal pay to the petitioners as per the orders of the Tamil Nadu Administrative Tribunal in O.A.No.2479 of 1993 dated 17.11.1995 and orders of this Court W.P.No.18749 of 2003 dated 01.10.2007 and grant all consequential benefits.

2. The facts in brief as stated by the first petitioner for himself and on behalf of petitioners two to nine are as follows:

2.1. The petitioners one to three and five to nine were working as Assistant Agricultural Officers and fourth petitioner was working as Laboratory Assistant in the Department of Agriculture. Initially, all the



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petitioners were appointed as Laboratory Assistants.

2.2. At the time of appointment, the scale of pay for the post of Laboratory Assistant was Rs.555-970 and the same was revised to Rs.825-1200 and again to Rs.950-1500 under the V pay commission. The Government in G.O.Ms.No.664, Finance, (Pay Cell) Department dated 24.08.1992, by which 5% of the basic pay computed as on 01.08.1992 was granted as personal pay to the following categories of staff:

S.No.	All categories of staff in the pre-revised scale	Moving over to the revised scale of pay
1.	Rs.475-775	Rs.775-1030
2.	Rs.610-1075	Rs.950-1500 or 975-1660
3.	Rs.705-1230	Rs.1200-2040
4.	Rs.905-1545	Rs.1600-2660

2.3. Since the post of Laboratory Assistant was moved from the pre-revised scale of pay Rs.555-970 to the revised Rs.950-1500, 5% personal pay was not granted to the petitioners on the ground that the pre-revised scale of pay of Rs.555-970 did not fall under any one of the categories. The employees who were moved from pre revised scale of pay Rs.610-1075 to



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the revised scale of pay Rs.950-1500 and Laboratory Assistants of the Highways and Rural Works Department, Industries and Commerce Department, Information and Public Relations Department, Public Health and Preventive Medicine and Cinchona Departments were allowed the benefit of personal pay whereas the Laboratory Assistants in the Agricultural Department were alone denied the said benefit.

2.4. While so, O.A.No.2479 of 1993 was filed by the Tamil Nadu Government Agriculture Department Laboratory Assistants Association and the same was allowed by the Tamil Nadu Administrative Tribunal by order dated 17.11.1995. Against the said order of the Tribunal, the Government filed W.P.No.18749 of 2003 and the same was dismissed by order dated 01.10.2007 Division Bench of this Court. But the orders of this Court was not followed and hence, the petitioners submitted representation to the Government in 18.02.2014 requesting for grant of 5% personal Pay as per the orders of the Administrative Tribunal dated 17.11.1995 and the order dated 01.10.2007 passed by Division Bench of this Court. But there was no response for the same, hence this writ petition.

3. Counter affidavit has been filed by the respondents stating that



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all the petitioners were appointment as Laboratory Assistants in the Agricultural Department and every one got promoted to the post of Assistant Agricultural officer except the fourth petitioner. After implementing the recommendations of the fifth pay commission various representations was received from the Ministerial Association with respect to pay anomalies that arose out of the recommendation of the fifth pay commission. Hence, a committee was constituted and the request was also rejected. In order to improve the promotional prospectus of the Ministerial categories certain schemes were implemented. Further, various Government Employees Association requested the Government to extend their relative change in emoluments. But the Government did not accept the same and instructed that there shall be no further revision of scales of pay of all categories in the new scales of pay viz., Rs.775-1030, Rs.950-1500, Rs.975-1660, Rs.1220-2040 and Rs.1600-2660 and the same was fixed and made final.

4. Further, taking into consideration job responsibilities and to motivate the employees to undertake their responsibilities, the Government in G.O.(Ms).No664, Finance (PC) Department, dated 24.08.1992 granted 5% of the basic pay computed as on 01.08.1992 as personal pay however, the



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same benefit was not extended to the employees who were appointed on or after 27.06.1989

5. It is submitted by the learned counsel for the respondents that the post of Laboratory Assistant Grade -I and Grade -II in Agricultural Department were merged and were given revised scales of pay of Rs.825-1200 for the pre revised scales of pay of Rs.505-845 and 555-970 in the fifth pay commission. Subsequently, Government revised the scale of pay of Laboratory Assistants in Agriculture Department from Rs.825-1200 to Rs.950-1500 *vide* G.O.(MS).No.1145, Finance (PC) Department, dated 06.11.1990, taking note of the fact that the prescribed educational qualification for the said post is SSLC. Therefore, as the incumbents have already availed the benefit of higher pay scale, the need for further benefit of granting 5% personal pay did not arise.

6. Accordingly, the categories of Lab Assistant in the pre-revised Scale of pay of Rs.505-845 and Rs.555-970 does not come under the ambit of the four pre-revised and revised scales of pay mentioned in G.O.Ms.No.664, Finance (PC) Department, dated 24-08-1992. Therefore,



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the representation of the petitioners could not be accepted at this juncture, since the scales of pay have already been revised twice by the subsequent pay commission. Moreover, the scales of pay for the Laboratory Assistants in other Departments were fixed based on their educational qualification and other criteria and hence, prayed for dismissal of this writ petition.

7. Heard both sides and perused the materials available on record.

8. The issue involved in this writ petition, as could be seen from the prayer is that whether the petitioners are entitled to get 5% of personal pay. The basis on which the petitioners seek this relief is the order dated 17.11.1995 passed by Tamil Nadu Administrative Tribunal in O.A.2479 of 1993 and order dated 01.10.2007 passed by this court in W.P.No.18749 of 2003.

9. At the outset, it is pertinent to point out that a Coordinate Bench of this Court has dealt with this issue in W.P.Nos.17641 of 2019 and 17734 of 2018. This Court while considering the said writ petitions *vide* order dated 08.06.2023, by placing reliance on the order dated 01.10.2007 passed



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in W.P.No. 18749 of 2003 which has been relied upon by the learned counsel for petitioners, held that the petitioners therein are entitled to the grant of 5% of personal pay. Thus, it is very clear that the order dated 01.10.2007 passed by the Coordinate Bench of this court in W.P.No.1879 of 2003 is squarely applicable to the petitioners herein. It is also worth pointing out the aforesaid order was passed by Division Bench way back in 2007 seemingly, as rightly pointed out by Coordinate Bench of this court, the order of the Division Bench has become final in as much as it has not been taken on appeal by the state.

10. In such perspective of the matter, this writ petition stands allowed with a direction to respondent to grant 5% personal pay to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

23.04.2024

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Internet	:	Yes/No
Index	:	Yes/No
Citation	:	Yes/No



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To,

1. The Secretary, Agriculture Department,
Fort St.George, Chennai – 600 009.
2. The Director of Agriculture,
Chepauk, Chennai – 600 005.

DR.D.NAGARJUN,J.



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**Pre-Delivery Order made in
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