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W.P.No.9884 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.9884 of 2021

1.B.C.Delhi,
S/o.Chinnasamy,
Record Clerk,
Education Department,
Greater Chennai City Corporation,
Rippon Buildings, Chennai - 600 003.

2.G.Panchanathan,
S/o.Ganesan,
Record Clerk,
Divisional Office (South),
Greater Chennai City Corporation,
Muthulakshmi Salai, Chennai - 600 020.

3.K.Ramadurai,
S/o.Kamalanathan,
Record Clerk,
Zone XIV, Puzhuthivakkam,
Chennai - 600 091.

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Petitioners

versus

1.Principal Secretary to Government,
Municipal Administration and
Water Supplies Department,
Fort St.George, Chennai - 600 009.



2.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.

3.The Assistant Commissioner (GA & P),
General Department,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to grant the selection grade and special grade pay for the petitioners taking into account their original date of appointment together with all consequential service and monetary benefits including arrears of pay.

For Petitioners : Mr.G.Bala

For Respondent No.1 : Mr.T.Chezhiyan
Additional Government Pleader

For Respondent Nos.2&3 : Mr.R.Gopinath
Standing Counsel for Corporation

ORDER

The petitioners have filed this petition seeking a writ of mandamus, directing the respondents to grant selection grade and special grade pay by taking into account of their original date of appointment along with monetary benefits.



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2. Heard Mr.G.Bala, learned counsel for the petitioners and Mr.T.Chezhiyan, learned Additional Government Pleader for the 1st respondent and Mr.R.Gopinath, learned Standing Counsel for the respondents 2 and 3 and perused the materials available on record.

3. The petitioners who have been appointed as Panchayat Secretaries and later absorbed in Chennai City Corporation in the year 2011. Subsequently, the petitioners were removed from service on 08.03.2012 and the termination order was challenged by way of filing Writ Petitions in W.P.Nos.18301 to 18305 of 2012 and the said Writ Petitions are allowed and the petitioners got reinstated. Subsequently, the petitioners have been redesignated as Record Clerks on 02.12.2016. The petitioners are entitled to selection grade and special grade pay on completion of 10 years and 20 years of services respectively. Hence, they submitted a representation to the respondents but so far it was not considered by them.

4. Mr.T.Chezhiyan, learned Additional Government Pleader for the 1st respondent submitted that the petitioners have been absorbed in Chennai City Corporation in the year 2011 and the petitioners cannot seek



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any selection grade and special grade for those period they were serving as Panchayat Secretaries and the Government Order governing the period of their services would be G.O.(Rt)No.175, Rural Development and Panchayatraj (E5) Department, dated 05.12.2006. When there is no equivalent post is available in Chennai Corporation with respect to the post of Panchayat Secretary, they were relieved from service on 08.03.2012.

5. However, the petitioners have challenged by way of filing Writ Petitions in W.P.Nos.18301 to 18305 2012. In pursuant to the directions of this Court dated 17.08.2012, the petitioners have been redesignated as Record Clerks and they have been absorbed into permanent service of the Corporation and allowed to continue their services in the Corporation. But the fact remains that the petitioners' services have been regularised w.e.f. 01.12.1988 in the post of Panchayat Secretaries and the regularisation orders have been passed on 09.12.2016 by giving retrospective effect from 01.12.1988.

6. When there is no Panchayat Secretary Post in the Municipality, the order of regularisation would only imply that the petitioners' services



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have been regularised in the cadre of Record Clerks in the Chennai Corporation. When the petitioners continue their services in the Corporation, the respondents cannot spilt the services of the petitioners into 2 parts and direct that the service benefits will be covered under G.O.(Rt)No.175, Rural Development and Panchayatraj (E5) Department, dated 05.12.2006, which have been exclusively issued for those persons, who still continue to be working as Panchayat Assistants. It is stated in the said Government Order that the benefits are permissible only to those persons who continue to be as Village Assistants and the benefits will not be applicable to those persons whose services have been regularised in some other service.

7. Since the petitioners services have been regularised in the Chennai City Corporation w.e.f. their initial date of appointment, the petitioners claim for selection grade and special grade pay can be made only by the 2nd respondent. This is obviously for the reason that while the petitioners were serving as Panchayat Secretaries, they were working in non-professionalised posts and for whom those benefits were not available. Since the petitioners were redesignated as Record Clerks and their services



continue with the Corporation and hence it is for the 2nd respondent to take into account of their services for granting selection grade and special grade pay.

8. The petitioners services have been regularised only from the year 2011 and they were working in a non-professionalised post and hence, the order of regularisation which has been given effect from 01.12.1988 can only be taken into consideration for the purpose of pension. So far as the selection grade and special grade is concerned, the 2nd respondent is directed to calculate the services from the date of initial absorption of the petitioners into the Corporation i.e. 26.10.2011 and pass appropriate orders, on its own merits and in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order and this Writ Petition is **disposed** accordingly. No costs.

19.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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W.P.No.9884 of 2018





To

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- 1.The Principal Secretary to Government,
Municipal Administration and
Water Supplies Department,
Fort St.George, Chennai - 600 009.
- 2.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.
- 3.The Assistant Commissioner (GA & P),
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R.N.MANJULA, J.

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