



W.P.No.20940 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

WP.No.20940 of 2018

1.D.Thanngaraj
2.P.Sivakumar
3.S.Kaliappan
4.V.Muthuraman

... Petitioners

Vs.

The District Collector
Panchayat Development Wing
Perambalur District.

2.The Project Officer
District Rural Development
Perambalur District.

3.The Personal Assistant (Development)
to the District Collector,
Perambalur District.

4.The Secretary
District Panchayat Office
Perambalur,
Perambalur District.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of writ of Mandamus to direct the respondents to consider the claim of the petitioners to grant selection grade scale of pay Rs.9300-



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34800+GP Rs.4200 in the post of Drivers from the respective dates of their attaining Selection Grade with all consequential benefits and pass orders therein within a time frame and disburse the arrears thereof.

For Petitioners : Mr.M.Ravi.

For respondents : Mr.L.S.M.Hasan Fizal, AGP

ORDER

Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

2. The petitioners were working as Drivers in the Rural Development and Pachayat Raj Departmental Unit, Perambalur District. Petitioners 1, 2 and 3 were appointed in the year 1999 and the 4th petitioner was appointed in the year 2000 and they have been receiving pay scale of Rs.5200-20200+2400 GP. According to the petitioners, they are Drivers working in the Government service have sought for revision of their pay scale on par with the Junior Assistants. On consideration of the same, the State Government issued Go.Ms.No.65, Finance (PC) Department dated 26.02.2011 granting benefit of revision to pay scale of



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the Drivers on par with the Junior Assistants. But the monetary benefits was given effect from 01.03.2011. As such, it is the contention of the petitioner that the Drivers are entitled to Rs.5200-20200+2400 GP.

3. It is an admitted fact that the corresponding selection grade pay for the pay band is Rs.5200-20200+2400 GP is Rs.9300-34800+Rs.4200 GP and Special Grade is Rs.9300-34800+Rs.4400 GP as per the letter No.63305/PC/2010-1 dated 08.11.2010. The grievance of the petitioner is that they were not given the benefit as per GO.Ms.No.65 dated 26.02.2011. Since, they were denied the selection grade pay / Special Grade Pay due to the reasons as per GO.Ms.No.65.

4. The petitioners have submitted their individual representations dated 06.11.2017, 08.12.2017 and 06.11.2017 to the respondents requesting to grant selection grade in the pay band 9300-38400+GP 2400 w.e.f. 01.03.2011 and to disburse the monetary benefits, but the respondents did not acted upon the representations of the petitioners.



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5. Under these circumstances, the petitioners have filed the present writ petition seeking for a direction to fix the selection grade pay as per letter dated 08.11.2010 of the Finance Department and GO.Ms.No.65 dated 26.02.2011 and pay arrears w.e.f. 01.03.2011 based on the representations.

6. The learned Additional Government Pleader appearing for the respondents submitted that Selection Grade of pay and Special Grade of pay as per GO.Ms.No.65 dated 26.02.2011 could not be given to the persons who have completed 10years and 20years after 01.06.2009. The letter No.63305/PC/2010-1 dated 08.11.2010 of the petitioner is relied on by the learned Additional Government Pleader, in this regard.

7. The learned counsel for the petitioners contends that the issue raised by the petitioners in the present writ petition is already been decided by this Court on several occasions and placed reliance of the orders in ***WP.No.133 of 2012*** and batch dated ***22.01.2013*** and ***WP.No.25930 of 2013 dated 18.06.2014.***



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8. This Court carefully perused the said orders and this Court is of the considered view that the said orders are squarely applicable to the facts of the present case on hand and the relief sought for in the present writ petition.

9. The relevant paragraphs of the order dated 18.06.2014 in WP.No.25930 of 2013 are extracted hereinunder :-

"14. I make it clear that Selection Grade and Special Grade could not be denied to the Drivers, who have completed 10 years and 20 years respectively as per G.O.Ms.No.65, since all the Government employees are given the higher scale in Selection Grade and Special Grade on completion of 10 years and 20 years respectively. However, the drivers would get the monetary benefit from 01.03.2011.

15. In my view, the same issue arose before me in W.P.Nos.133 to 144 of 2012 and I allowed the writ petitions on 22.01.2013 granting the selection grade pay of Rs.9300-34800 + Rs.4200 to the petitioners therein. Hence, I am inclined to allow this writ petition directing the respondents to grant selection grade pay



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and special grade pay of Rs.9300-34800 + Grade Pay of Rs.4200 and Rs.9300-34800 + Grade Pay of Rs.4400 respectively to the petitioner on completion of 10/20 years of service and to give him the arrears with effect from 01.03.2011, within a period of eight weeks from the date of receipt of a copy of this order."

10. In view of the facts and circumstances of the case, this Court is not having any different opinion to grant the relief to the petitioners herein by following the earlier orders of this Court as cited supra.

11. Accordingly, this writ petition is allowed, with a direction to the respondents to grant selection grade pay of Rs.9300-34800 + GP Rs.4200 and special grade pay of Rs.9300-34800 + GP Rs.4400 respectively to the petitioners on completion of 10years and 20years of service and to give them arrears w.e.f. 01.03.2011 within a period of two months from the date of receipt of a copy of this order.

12. There shall be no order as to costs.

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Index : Yes/No

Neutral Citation : Yes/No

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