



W.P.No.12826 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

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

W.P.No. 12826 of 2024

M.Pachiyappan

.... Petitioner

Vs

1. Government of Tamil Nadu,
Represented by its Secretary to Government,
Finance (Pay Cell) Department,
Fort George, Chennai – 9.

2. Government of Tamil Nadu,
Represented by its Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai – 600 009.

3. The Principal Chief Conservator of Forests,
Panagal Buildings,
Chennai – 600 015.

4. The District Forest Officer,
Salem Forest Division,
Salem.

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus directing the respondents to implement the selection grade and special grade scale of pay as indicated by schedule II of the Tamil Nadu revised scales of pay rules 1998 at



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Rs.5000-150-8000 Rs.5500-175-9000 with effect from 01.01.1996 and pay all arrears within a stipulated time period.

For Petitioner : Mr.M.Ravi
For R1 : Mr.E.Vijay Anand
Additional Government Pleader
For R2 to R4 : Mr.S.Rajesh
Government Advocate

ORDER

This Writ Petition has been filed for a direction directing the respondents to implement the selection grade and special grade scale of pay as indicated by Schedule II of the Tamil Nadu Revised Scales of Pay Rules 1998 at Rs.5000-150-8000, Rs.5500-175-9000 with effect from 01.01.1996.

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

3. The petitioner had joined as Driver in the office of the fourth respondent on 30.06.2010. At the time of his retirement, he was in special grade and was receiving pension. As per the Government Order No.322 dated 18.12.2004, it was sanctioned cash award for injury,



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medical and participation medal besides one steps promotion to the personnels associated with the Special Task Force by extending help and providing intelligence to the Special Task Force for taking down the dreaded Veerappan. The petitioner was not awarded with cash amount of Rs.50,000/- and also given one step promotion. But the petitioner was not given promotion for the past twenty years. Therefore, the Tamil Nadu Government retired vehicle Drivers Welfare Association filed writ petition before this Court in W.P.No.22919 of 2010 seeking fixation of appropriate selection grade or special grade scale of pay. On the strength of the order passed by this Court, the petitioner submitted a representation.

4. A perusal of the counter filed by the fourth respondent reveals that the selection grade and special grade scale of pay of Drivers was erroneously fixed Rs.5000-8000 and Rs.5500-9000 respectively by considering the ordinary grade scale of pay as Rs.4000-6000. Therefore, a clarification was issued and aggrieved by the same, the Association of the Drivers filed writ petition. In the appeal, the Hon'ble Supreme Court of India in SLP (Civil) No.9560-9561 of 2019, dated 18.12.2019 allowed



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the ordinary grade, selection grade and special grade scales of pay to drivers and accordingly, the drivers are entitled to ordinary grade scale of pay at Rs.3200-85-4900, selection grade at Rs.4000-100-6000 and special grade of pay at Rs.4300-100-6000. Accordingly, the Government issued a letter dated 22.01.2020 to all heads of departments that the scale of pay of drivers were re-fixed and excess amount if any on account of erroneous fixation has to be regulated with effect from the date of orders of the Hon'ble Supreme Court of India. As far as the petitioner is concerned, he was already fixed special grade pay of Rs.4300-100-6000 and there was no error occurred in the fixation of scale of pay to the petitioner.

5. In view of the above, the request made by the petitioner cannot be considered and the writ petition lacks merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. No costs.

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Internet : Yes
Speaking/Non-speaking order
Neutral Citation : Yes/No
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- To
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