



W.P.No.18142 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.18142 of 2020

1. M.Manoharan
2. S.Ravi Chandran
3. G.Baskar
4. D.Ramasubramanian
5. B.K.Chandrasekaran

... Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government ,
Finance Department, Fort St.George,
Chennai 600 009.
2. The State of Tamil Nadu,
Rep. by its Secretary to Government ,
Department of Consumer Food and Co-operation,
Fort St.George,
Chennai 600 009.
3. Tamil Nadu Civil Supplies Corporation,
Rep. by its Managing Director,
No.12, Thambusamy Road, Kilpauk,
Chennai - 600 010.

... Respondents



W.P.No.18142 of 2020

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records in Na.Ka.No.AE10/30739/2015, dated 29.09.2020 on the file of the 3rd respondent and quash the same and direct the respondents to revise the scale of pay for the petitioners in the scale of 9300-34800 plus grade pay of Rs.4600/- following the recommendations of the Principal Secretary State Government of Tamil Nadu vide his proceeding in Letter No.63305/Pay Cell/2010-1, dated 08.11.2010.

For Petitioner : Mr.R.Rajarajan
For Respondents
For R1 and R2 : Mr.S.Arumugam,
Government Advocate
For R3 : Mr.C.Selvaraj

ORDER

The petitioners have filed this Writ petition aggrieved by the orders of the 3rd respondent dated 29.09.2020, rejecting the petitioners' request to fix the revised scale of pay as per 6th / 7th Pay Commission in the cadre of Selection Grade / Special Grade contemplated as per the One Man Commission recommendation issued by the Principal Secretary to vide Government letter dated 08.11.2010 in Letter No.63305/Pay Scale /2010-1.



W.P.No.18142 of 2020

2. Heard Mr.R.Rajarajan, learned counsel for the petitioner and Mr.S.Arumugam, learned Government Advocate appearing for the Respondents 1 and 2 and Mr.C.Selvaraj, learned Standing Counsel appearing for R3.

3. The limited argument of the learned counsel for the petitioners is that despite the pay revision was effected in the Selection Grade / Special Grade, the Grade pay was not extended to the petitioners even as per 6th Pay commission .

4. The learned counsel for the respondents submitted that in the impugned order, dated 29.09.2020, it has been stated that as per the One Man Commission, dated 08.11.2010 and the circular issued by the Head of the Department, the petitioners have been granted with the monetary benefits in respect of their Selection grade / Special grade and hence they cannot once again seek the same benefit under 7th Pay Commission.



W.P.No.18142 of 2020

5. There is no disagreement on the fact that the petitioners reached

Selection Grade and Special Grade at the time of implementation of 5th / 6th Pay Commission. Since the respondents did not have any dispute over the same, the only point that has to be clarified now is whether the petitioners have been given with the grade pay as per the 6th pay Commission or not. As per the contention of the petitioners, even though their scales of pay were revised, they were not given with the benefits. Had the petitioners been given with the revised pay scale as well as grade pay as per the 6th pay commission recommendation itself, while revising pay as per 7th Pay commission, they cannot once again seek the implementation of one Man commission recommendation. However, their pay scales will be revised in correspondence to their earlier pay scale which have been already fixed as per the recommendation of the 6th pay Commission.

6. In view of the same, the Writ petition is disposed of and the impugned proceedings in Na.Ka.No.AE10/30739/2015, dated 29.09.2020 on the file of the 3rd respondent is set aside. The matter is remitted back to the 3rd respondent for fresh consideration in respect of the limited aspect of



W.P.No.18142 of 2020

while implementing Selection Grade / Special Grade pursuant to the 6th pay commission recommendation, as per the Government letter in Letter No.63305/Pay Cell/2010-1, dated 08.11.2010, whether the Grade pay also allowed or not and the 3rd respondent is directed to pass appropriate orders on the above aspect on its own merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

22.02.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
vum

R.N.MANJULA ,J.



W.P.No.18142 of 2020

vum

WEB COPY To:

1. The Secretary to Government ,
Finance Department, Fort St.George,
Chennai 600 009.
2. The Secretary to Government ,
Department of Consumer Food and Co-operation,
Fort St.George,
Chennai 600 009.
3. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road, Kilpauk,
Chennai - 600 010.

W.P. No.18142 of 2020

22.02.2024