



W.P.No.27253 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 21.06.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.27253 of 2014
and M.P.No.1 of 2014

1. N.Jeya Sankar
2. A.Dhanasekaran
3. M.S.Sundar
4. R.Velmurugan
5. B.Vishnu Priya,
6. A.Uma Maheswari
7. R.Lalitha
8. K.Jayanathi
9. A.Tamil Selvi
- 10.V.Krishna Kumari
- 11.P.Mohana Raghu
- 12.T.Karthikeyan
- 13.E.Devi
- 14.S.Panju
- 15.K.V.Parvathy
- 16.R.Vijaya
- 17.G.Shanthi
- 18.T.Thilagavathy
- 19.S.P.Krishna Kumar
- 20.P.Pongalarasi
- 21.P.Gomathy
- 22.D.Rama
- 23.M.Vasanth
- 24.R.Kokila



W.P.No.27253 of 2014

25.T.R.Vijaya Mala
26.S.Mammu
27.M.Subbulakshmi
28.S.Sridevi
29.D.S.Meena
30.Alphonse Britto Catherine
31.G.Baskaran
32.K.Poompavai
33.K.Jeeva
34.B.Selvalalitha
35.S.Sridhar
36.L.Nirmal Kumar
37.P.Indra Gandhi
38.C.P.Jayaprakash

.. Petitioners

Vs.

1. The Principal Secretary to Government
Finance (Paycell) Department,
Fort St.George,
Chennai 600 009.

2. The Secretary to Government
Rural Development and
Panchayat Raj Department,
Fort St.George, Chennai -9.

3. The Director of Rural Development,
and Panchayat Raj,
Panagal Building, Saidapet,
Chennai 600 015

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified mandamus, to call



W.P.No.27253 of 2014

for the records pursuant to the impugned cut off date of 31.05.2009 prescribed in clarification No.2 issued by the 1st Respondent in Letter No.45113/paycell/2009-1 dated 17.08.2009 and Quash the same and consequently direct the respondents to permit the petitioners to exercise their respective option for revised scales of pay as per [G.O.Ms.No. 234](#) Finance (Pay cell) Department dated 01.06.2009 and accordingly revise their pay on par with their colleagues and pay the arrears and other consequential service and monetary benefits.

* * *

For Petitioners : Mr.R.Prem Narayan

For Respondents : Mr.UM.Ravichandran
1 to 3 Special Government Pleader

ORDER

In the light of the fact that the very same subject matter has already been dealt with by the Division Bench of this Court in a batch of Writ Appeal Nos.42 of 2015 etc., the very same judgment would enure to the facts of this case which reads as follows:



WEB COPY



W.P.No.27253 of 2014

“32. Therefore, in the post of Deputy BDO's these people have been promoted only after 31.05.2009, therefore, on that date of promotion, they are entitled to make their option, which admittedly they have been made and that has not been disputed by the appellant also.

33. However, artificially 31.05.2009 date has been fixed not under Writ Appeal Nos.42, 192, 632 1159, 1556 of 2015 and W.A.Nos.274 and 275 of 2016 the Rule only in the subsequent clarifications dated 06.08.2009 and 17.08.2009.

34. The said clarification letter cannot override the import of Rules especially the Rule 8 of the said Rules, which has been pointed out by the learned Judge in the order impugned.

35. What are all the benefits that has been earned by the similarly placed persons pursuant to VI Pay Commission Recommendation, which has been made as a Rule under G.O.Ms.No.234



WEB COPY



W.P.No.27253 of 2014

as referred to above, are to be extended to the similarly placed persons. These employees are though similarly placed persons could not exercise their option because they did not earn the promotion before 31.05.2009. Merely because they earned promotion after 31.05.2009 their right of getting the enhanced pay or a revised pay cannot be denied. Therefore, the said clarification given in this regard by the aforestated letters viz., letter date 06.08.2009 and 17.08.2009 since is not inconsonance with the Rule, which was rightly struck down by the learned Judge through the impugned orders and giving extension of such benefits to these employees.

36. The said judgments, which are impugned herein, in our considered opinion, do not warrant any interference for the aforesaid reasons and discussions. Hence, all these appeals are failed and accordingly, they are dismissed. ”



W.P.No.27253 of 2014

WEB COPY

2. Therefore, the writ appeal is disposed of on the same lines as the above judgment. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

21.06.2024

Index : Yes/No

Internet : Yes

srn

To

1. The Principal Secretary to Government
Finance (paycell) Department,
Fort St.George,
Chennai 600 009.
2. The Secretary to Government
Rural Development and
Panchayat Raj Department,
Fort St.George, Chennai -9.
3. The Director of Rural Development,
and Panchayat Raj,
Panagal Building, Saidapet,
Chennai 600 015



WEB COPY



W.P.No.27253 of 2014

P.T.ASHA, J.

srn

W.P.No.27253 of 2014
and M.P.No.1 of 2014

21.06.2024