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W.P.No.19667 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM

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

W.P.No.19667 of 2020

R.Uthayakumar

.... Petitioner

Vs

1.The Member Secretary,
Tamil Nadu State Legal Services Authority,
High Court Campus,
Chennai - 600 104.

2.The Principal Secretary to Government,
Finance (PC) Department,
Secretariat,
Chennai – 9.

3. The Principal Accountant General (A & E),
Tamil Nadu,
Teynampettai,
Chennai – 18.

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the first respondent to consider the claim of the petitioner, with regard to revised of Selection Grade Scale of pay and consequential benefits of annual increments, revised of pensionary benefits etc, and disbursement of monetary benefits, in the light of representation dated 11.11.2019 of the petitioner.



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For Petitioner : No appearance
For R1 & R2 : Mr.V.Manoharan
Additional Government Pleader
For R3 : Mr.V.Vijay Shankar

ORDER

This Writ Petition has been filed for a direction, directing the respondents to consider the representation dated 11.11.2019 submitted by the petitioner seeking revision of selection grade scale of pay and consequential benefits of annual increments, revised pensionary benefits, etc and disbursement of monetary benefits.

2. Heard the learned Additional Government Pleader appearing for the respondents 1 & 2 and the learned counsel appearing for the third respondent. There is no representation for the petitioner and as such, this Court is inclined to pass orders on merits.

3. The petitioner entered the service on 12.08.1992 as a Junior Administrative Assistant. After a period of 18 years, he was promoted to the post of Senior Administrative Assistant. Thereafter, the petitioner retired from service voluntarily on 30.11.2012. On his health



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grounds, after a period of seven years, the petitioner submitted a representation seeking those benefits. The issue had already been decided by the Hon'ble Division Bench of this Court in W.A.No312 of 2020 dated 11.02.2021 in the case of N.Ramakrishnan Vs The Member Secretary (FAC) / District Judge, Tamil Nadu State Legal Service Authority, High Court Campus, North Fort Road, Chennai and others, in which this Court held that the first clause of paragraph 4 of the G.O.Ms.No.162, dated 13.04.1998 is squarely applicable to the present case. Accordingly, the petitioner is entitled to a grade pay of Rs.2,800/- and not Rs.4,200/-. The petitioner now sought for benefits in respect of the period when he was a Junior Administrative Assistant, which is a post with a promotional avenue. It is relevant to extract the provision under Paragraph 4 of the G.O.Ms.No.162, dated 13.04.1998, which reads as follows :

“4. The Selection Grade and Special Grade will be the corresponding revised scales based on the existing pay scales of these grades. The appropriate revised scales of pay for Selection Grade / Special Grade are indicated in Schedule II to the Tamil Nadu Revised Scales of Pay Rules, 1998. Provided further, Selection Grade and Special Grade scales shall be regulated as below :-



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(i) for posts, having no promotional avenue, the Selection Grade and Special Grade shall be allowed as indicated in Schedule II ;

(ii) For posts having promotional posts, if the Selection Grade Scale of pay indicated in the said Schedule is higher than the pay scale of promotional post, the Selection Grade should be limited to the pay scale of the first level promotion post. Similarly, if the Special Grade scale is higher than the pay scale of second level promotion post, the Special Grade scale shall be limited to the pay scale of second level promotion post only.

The existing procedure for movement to Selection Grade/Special Grade and fixation of pay in these grades shall continue to be adopted in future in the revised scales also.

7.....Consequently, it is beyond doubt that clause (ii) of Paragraph 4 gets triggered. Once clause (ii) is triggered, the pay scale of the person in the Selection Grade post would be limited to the pay scale of the first level promotional post. Mr.Vijay Shankar points that this is precisely what was done in this case and, as a consequence, the grade pay of the appellant was limited to Rs.2,800/- although it would ordinarily have been Rs.4,200/- it it had not been a promotional post.”



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4. In view of the above, the relief sought for in this writ petition cannot be considered, since the petitioner is not entitled for any relief. Therefore, the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. No costs.

01.10.2024

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
Lpp

To

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G.K.ILANTHIRAIYAN, J.

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