



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-02-2024

CORAM

**THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM
And
THE HONOURABLE MR. JUSTICE K.RAJASEKAR**

**WP No.24420 of 2023
And
WMP No.23856 of 2023**

1.P.Munivelu
2.K.Muruganandam-I
3.A.Chandran
4.R.Viswanathan
5.D.Lakshmanan
6.K.Sekar-II
7.G.Muthazhagan
8.V.Venkatesan-II
9.K.Palani
10.G.Jayavelu
11.K.Sreenivasulu
12.D.Kandasamy

.. Petitioners

-VS-

1.The Registrar General,
High Court,
Chennai-104.



2. The State of Tamil Nadu Represented by
its Additional Chief Secretary,
Home (Courts) Department,
Fort St. George,
Chennai-9.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the second respondent's Letter No.5689/Courts-V-2021-2 dated 30.06.2021, as communicated through proceedings in Roc. No.8909/2022/G2 dated 02.02.2022, to quash the same and to consequently direct the respondents to provide higher pay pattern by way of upgradation/ categorisation to the petitioners' category in the post of Office Assistants working under the control of the first respondent as had been done to Court Officers/Section Officers/Appeal Examiners/Personal Assistants through G.O.Ms.No.46 Home (Courts-V) Department dated 09.01.2017 and G.O.Ms.No.295 Home (Courts-V) Department dated 27.04.2018 and to notionally revise and refix the benefits arising thereto.

For Petitioners	:	Mr.L.Chandrakumar
For Respondent-1	:	Mr.B.Vijay
For Respondent-2	:	Ms.P.Raja Rajeshwari, Government Advocate.



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ORDER

[ORDER OF THE COURT WAS MADE

BY S.M.SUBRAMANIAM, J.]

The letter dated 30.06.2021 issued by the second respondent- Additional Chief Secretary to Government, Home Department, is sought to be quashed in the present writ proceedings.

2. All the writ petitioners are serving as Office Assistants under the control of the Registrar-General, High Court of Madras, Chennai.

3. Admittedly, the petitioners have rendered more than 25 years of service. There is no promotional avenues to the category of Office Assistant/Chowder/Court Attender/Chamber Attender in the Registry of the High Court of Madras. Thus the petitioners have submitted representation through Registrar-General to the Government seeking upgradation of post by way of revision in Grade Pay, as done in the case of Personal Assistant, Private Secretary, Senior Private Secretary and Principal Private Secretary.



4. The Pay Commissions consistently recommended for award of Special Grade, Selection Grade and bonus increments in respect of the posts, where there are no promotional avenues. Accordingly, the petitioners are eligible and not disputed that they have been awarded Selection Grade, Special Grade and bonus increments as per the Pay Rules and Government Orders in force.

5. Mr.L.Chandrakumar, learned counsel for the petitioners would submit that the benefit of upgradation of Post and Grade Pay was granted to other categories and the said benefit is to be extended to the writ petitioners.

6. Upgradation of a post is a policy decision. It is the administrative prerogative to take such decisions on administrative grounds. The Courts in exercise of powers of judicial review, cannot direct the respondents to upgrade the post. The petitioners are entitled to get Selection Grade/Special Grade and bonus increments as stipulated in the Pay Rules and Government Orders.



7. The Government in its impugned order states that in the event of grant of such upgradation of post to the cadres in High Court Services, it will result in opening of Pandora's Box, since many other persons in the similar cadre will also apply and ultimately, the result would end in huge financial burden to the Government. The Supreme Court time and again held that financial constraints and considerations are also grounds to take certain administrative decisions and High Court cannot interfere.

8. Since upgradation of post is the policy decision, the Courts cannot issue any directions for such upgradation. Thus the claim of the petitioners deserve no merit consideration. Consequently, the present writ petition stands dismissed. However, there shall be no order as to costs. The connected miscellaneous petition is also dismissed.

(S.M.SUBRAMANIAM,J.) (K.RAJASEKAR,J.)

20-02-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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S.M.SUBRAMANIAM, J.
AND
K.RAJASEKAR, J.

Svn

To

- 1.The Registrar General,
High Court,
Chennai-104.
- 2.The Additional Chief Secretary,
State of Tamil Nadu,
Home (Courts) Department,
Fort St. George,
Chennai-9.

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