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W.P.No.25155 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.25155 of 2021

N.Subramanian

... Petitioner

Vs.

1.The District Collector,
Salem, Salem District.

2.The Revenue Divisional Officer,
Mettur Dam, Mettur Taluk,
Salem District.

3.Tahsildar,
Taluk Office,
Mettur Taluk, Salem District.

4.The Accountant General (A & E)
361, Anna Salai,
Teynampet, Chennai 600 018.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to award special grade Village Administrative Officer with effect from 19.10.2002 and consequently direct the respondents to pay monetary benefits with arrears to the petitioner by considering his representation dated 27.09.2021.

For Petitioner : Mr.M.Elango



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For Respondents : Mr.T.Chezhiyan, AGP for R1 to R3
Mrs.T.S.Selvarani for R4

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to award special grade Village Administrative Officer with effect from 19.10.2002 and consequently direct the respondents to pay monetary benefits with arrears to the petitioner by considering his representation dated 27.09.2021.

2. Heard Mr.M.Elango, learned counsel for the petitioner, Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents 1 to 3 and Mrs.T.S.Selvarani, learned counsel for the 4th respondent.

3. The petitioner who was appointed as Village Administrative Officer on 11.08.1982 had been awarded with selection grade on his completion of ten years of service on 31.08.1992. The petitioner is eligible to get special grade pay after completion of another ten years of service (i.e.) on 20.10.2002. The petitioner retired from service on 30.06.2003 due to superannuation. But the respondents did not award



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special grade pay despite the petitioner was making several representations. It is seen that the petitioner has been imposed with the punishment of increment cut for one year and that the said period was also over on 27.12.2002.

4. Even as per the counter filed by the respondents, the punishment period expired on 01.01.2003. However, it is submitted that the petitioner's pay has been reduced from Rs.4800/- to Rs.4000/-, in view of the punishment imposed on him and proceedings issued in this regard by the Revenue Divisional Officer, Mettur. In the light of the Government Order issued *vide* Government Letter No.116970/Per.M/83-2 P & AR (Pa.M) Department dated 15.03.1984, the special pay cannot be granted to the petitioner.

5. In fact the petitioner retired from service on 30.06.2003 without prejudice to the pending disciplinary proceedings. At the time when the petitioner got retired, the punishment of reduction of pay was in effect. However, the learned counsel for the petitioner submitted that the petitioner had completed the qualifying ten years of service for special grade of pay on 20.10.2002 itself. But the punishment period should also



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be included. In such case, the petitioner's completion of ten years will spread for another three months in view of the punishment of stoppage of increment for a period of three months without cumulative effect. So the petitioner's 10 years of completion for special grade can be considered to have attained atleast on 20.01.2003.

6. In this background of facts, I feel it is appropriate to direct the respondents to reconsider the request of the petitioner for granting special grade pay with effect from atleast 21.01.2003. The respondents have stated that the punishment got expired on 01.01.2003, the special grade pay can be considered from 21.01.2003. The petitioner has completed ten years of service inclusive of punishment period. Since the entitlement for special grade pay falls before the petitioner's retirement, the respondents could have considered the same. However, it is learnt that the disciplinary proceedings which was pending at the time of the retirement of the petitioner got completed in the year 2009 and the punishment of one year stoppage of increment was ordered as punishment. Since the petitioner got retired from service, the petitioner had remitted the monetary value of the punishment on 22.08.2008 and 05.12.2008. However his entitlement for special grade pay would start from 21.01.2003 irrespective of the



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punishment of stoppage of one year increment.

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7. In view of the above stated reasons, this Writ Petition is disposed and the respondents are directed to consider the special grade pay for which the petitioner is entitled atleast from 21.01.2003 irrespective of the stoppage of increment for one year which was awarded as punishment in the pending disciplinary proceedings and towards which, the monetary value had already been recovered. No costs.

14.02.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
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R.N.MANJULA, J.

gsk

To

- 1.The District Collector,
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