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W.P.No.28407 of 2021
and W.M.P.No.30003 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.28407 of 2021
and W.M.P.No.30003 of 2021

- 1.M.Vedapuri
- 2.K.Rajasekaran
- 3.A.K.Shanmugam
- 4.P.Perumal
- 5.K.Venkatraman
- 6.M.Narayanasamy
- 7.R.A.Dhakshinamurthy
- 8.S.Prakasam
- 9.S.Venkatesan
- 10.V. Kannusamy

...

Petitioners

versus

- 1.The Government of Tamilnadu,
Represented by Principal Secretary to Government,
Highways Department,
Secretariat, Chennai - 600 009.
- 2.The Chief Engineer,
Highways, Guindy,
Chennai - 600 025.
- 3.The Divisional Engineer,
Highways and Rural Works,
Cheyyar - 604 407,
Tiruvannamalai District.
- 4.The Divisional Engineer,



Highways & Rural Works,
Tiruvannamalai - 606 601.

5.The Block Development Officer,
Vembakkam Panchayat Union,
Vembakkam,
Tiruvannamalai District - 604 410.

6.The Block Development Officer,
Keezhpennathur Panchayat Union,
Keezhpennathur,
Tiruvannamalai District - 604 601.

7.The Principal Accountant General (A&E),
Tamilnadu,
Chennai - 600 018.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to grant all benefits to the petitioner by way of implementation of G.O.(Ms.)No.210, Personnel & Administrative Reforms (Per.5) Department, dated 11.03.1987 and to grant them all arrears of pay on the basis of re-fixation and revision of pay and to grant consequential revision on retirement and pensionary benefits with arrears till date of such grant of the benefits to the petitioner.

For Petitioners : Mr.P.Kumaravel

For Respondents : Mr.S.Arumugam
Government Advocate



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ORDER

Heard Mr.P.Kumaravel, learned counsel for the petitioners and Mr.S.Arumugam, learned Government Advocate for the respondents and perused the materials available on record.

2. The petitioners are retired Road Inspectors Grade-I. However, they have not given with the benefit of G.O.(Ms.)No.210, Personnel & Administrative Reforms (Per.5) Department, dated 11.03.1987. The said Government Order has been issued in pursuant to the recommendations of One Man Committee constituted to consider the pay anomaly between the persons, who have rendered several years of service and stagnated without promotion. The said Government Order reads as under:-

“The Government in their orders read above have issued guidelines for advancement to Selection Grade / Special Grade in various categories, based on the recommendations of the Fourth Tamil Nadu Pay Commission. The One Man Committee has now recommended as follows:-

1. Services in the Selection Grade of the lower post may also be counted for the Selection Grade in the promoted post provided that the Selection Grade Scale of the lower post is identical to the ordinary grade of the higher post, and that this concession may be allowed only at the First promotion level.



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This will mainly result in some pensionary benefits to these categories.

"In the case of posts with different grades, parsons with 10 years or more of service may be advanced to Grade I and those with 20 years or more may be advanced to Selection Grade of Grade I"

2. The Government after careful examination accept the recommendation of the One Man Committee and direct that the service in the Selection Grade of the lower post shall be counted for the Selection Grade in the promoted post provided that the Selection Grade Scale of the lower post is identical to the ordinary grade of the higher post, and that the concession be allowed only at the first promotion level. Government also direct that in the case of posts with different grades one who has put in 10 years or more of service in the lower post (e.g. Grade II) shall be advanced to the next higher post (ie. Grade I) under the scheme of Flexible Complementing and one with a service of 20 years or more advanced to Selection Grade of the higher post (ie. Grade I) wherever it has already been provided.

3. These orders shall take notional effect from 01-10-84 for the purpose of fixation of pay with monetary benefit from 01-04-86."



3. The above benefit has not been given to the petitioners by fixing their pay scale in accordance with the completed years of service in a lower grade. Since G.O.(Ms.)No.210, Personnel & Administrative Reforms (Per.5) Department, dated 11.03.1987 has been passed in order to give some monetary benefit in lieu of career progression, the respondents shall consider the representation of the petitioners dated 15.04.2021 on its own merits and in accordance with law and also taking into consideration of several judicial pronouncements given in this regard and pass an order to that effect within a period of six (6) weeks from the date of receipt of a copy of this order.

With the above observation, this Writ Petition is **disposed**. No costs. Consequently, connected Miscellaneous Petition is closed.

26.02.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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R.N.MANJULA, J.

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