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W.P.No.25883 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No. 25883 of 2019
& WMP No.25336 of 2019

J.A.Cross Sigori

... Petitioner

Vs.

1.The State of Tamilnadu,
rep. by the Principal Secretary to the Government,
Finance(Pay Cell)Department,
Chennai-600 009

2.The State of Tamilnadu,
rep. by the Agricultural Production Commissioner and
Secretary to Government,
Agriculture Department,
Chennai-600 009

3.The Director of Agriculture,
Chepauk,
Chennai-600 005

4.The Joint Director of Agriculture,
Thanjavur.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to second respondent's proceedings in letter no.17706/AA3/2015-6, dated 17.08.2016 and order passed by the 4th respondent in Ka.No.A5/12127/2015 dated 10.06.2019 and quash the same and direct the respondents to refix the petitioner's pay scale in the pay band



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of 9300-34800+4200/- grade pay from the date of selection grade namely 23.06.2009 and pay the arrears together with interest.

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For Petitioner : Mr.M.Muthappan

For Respondents : Mr.V.Jeevagiridharan, AGP

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, Certiorarified Mandamus, to call for the records relating to second respondent's proceedings in letter no.17706/AA3/2015-6, dated 17.08.2016 and order passed by the 4th respondent in Ka.No.A5/12127/2015 dated 10.06.2019 and quash the same and direct the respondents to refix the petitioner's pay scale in the pay band of 9300-34800+4200/- grade pay from the date of selection grade namely 23.06.2009 and pay the arrears together with interest.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the entire materials available on record.

3. The petitioner was appointed as a Driver on 21.06.1999 on compassionate grounds and posted at the office of the Deputy Director of Agriculture, Nagapattinam. He has been receiving a pay scale of Rs.5200-20200+2400 with grade



pay of Rs.2000. According to the petitioner, he is a Driver working in the Government service, is entitled for revision of his pay scale on par with the Junior Assistants. The Tamil Nadu Drivers's Association made a representation to the Government to revise their pay on par with Junior Assistants. On consideration of the same, the State Government issued Go.Ms.No.65, Finance (PC) Department dated 26.02.2011 granting the benefit of revision of pay scales to all the Drivers on par with the Junior Assistants.

4. It is an admitted fact that the corresponding selection grade pay for the pay band is Rs.5200-20200+2400 is Rs.9300-34800+Rs.4200 and Special Grade pay is Rs.9300-34800+Rs.4400, as per the letter No.63305/Pay Cell/2010-1 dated 08.11.2010. The grievance of the petitioner is that he was not given the benefit as per GO.Ms.No.65, dated 26.02.2011 since he was denied the Selection grade/ Special grade pay due to revision as per GO.Ms.No.65. The petitioner made a representation dated 06.10.2015 to the second respondent requesting to grant him selection grade pay of Rs.9300-34800+4200 w.e.f. 01.03.2011. But the selection grade pay, as requested by him, is not given so far, though the petitioner is entitled to the same as per G.O.Ms.No.65, dated 26.02.2011 and as per the order dated 22.02.2013 made in WP Nos.133 to 144 of 2012.

5. Under these circumstances, the petitioner filed the present writ petition



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seeking for a direction to fix the selection grade pay as per letter dated 08.11.2010 of the Finance Department and GO.Ms.No.65, dated 26.02.2011 and pay the arrears w.e.f. 01.03.2011, based on his representation dated 06.10.2015.

6. The learned Additional Government Pleader appearing for the respondents submitted that Selection Grade of pay and Special Grade of pay as per GO.Ms.No.65, dated 26.02.2011, could not be given to the persons who have completed 10 years and 20 years after 01.06.2009. The letter No.63305/PC/2010-1 dated 08.11.2010, of the Government is relied on by the learned Additional Government Pleader, in this regard.

7. The learned counsel for the petitioner contends that the issue raised by the petitioner in the present writ petition has already been decided by this Court on several occasions and placed reliance on the orders passed by this Court in WP.No.133 of 2012 and batch dated 22.01.2013 and WP.No.25930 of 2013 dated 18.06.2014.

8. This Court carefully perused the said orders and this Court is of the considered view that the said orders are squarely applicable to the facts of the present case on hand and the relief sought for in the present writ petition.



9. The relevant paragraphs of the order dated 18.06.2014 in WP.No.25930 of 2013 are extracted hereinunder :

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"14. I make it clear that Selection Grade and Special Grade could not be denied to the Drivers, who have completed 10 years and 20 years respectively as per G.O.Ms.No.65, since all the Government employees are given the higher scale in Selection Grade and Special Grade on completion of 10 years and 20 years respectively. However, the drivers would get the monetary benefit from 01.03.2011.

15. In my view, the same issue arose before me in W.P.Nos.133 to 144 of 2012 and I allowed the writ petitions on 22.01.2013 granting the selection grade pay of Rs.9300-34800 + Rs.4200 to the petitioners therein. Hence, I am inclined to allow this writ petition directing the respondents to grant selection grade pay and special grade pay of Rs.9300-34800 + Grade Pay of Rs.4200 and Rs.9300-34800 + Grade Pay of Rs.4400 respectively to the petitioner on completion of 10/20 years of service and to give him the arrears with effect from 01.03.2011, within a period of eight weeks from the date of receipt of a copy of this order."

10. In view of the facts and circumstances of the case, this Court is not having any different opinion to grant the relief to the petitioner herein by following the earlier orders of this Court as cited supra.

11. Accordingly, this Writ Petition is allowed, with a direction to the



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respondents to grant selection grade pay of Rs.9300-34800 + Grade Pay of Rs.4200 and special grade pay of Rs.9300-34800 + Grade Pay of Rs.4400 respectively to the petitioner on completion of 10 years and 20 years of service and to grant him arrears w.e.f. 01.03.2011, within a period of two months from the date of receipt of a copy of this order.

There shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

19.09.2024

Index :Yes/No
Neutral Citation :Yes/No
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To
1.The State of Tamilnadu,

<https://www.mhc.tn.gov.in/judis>



W.P.No.25883 of 2017

rep. by the Principal Secretary to the Government,
Finance(Pay Cell)Department,
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2.The State of Tamilnadu,
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BATTU DEVANAND, J.

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