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W.P. No.14851 of 2017 batch etc.,

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.14851, 14852, 18153, 18154, 18155,
18156 & 18157 of 2017

and

W.M.P.Nos.16095, 16096, 16097, 16098, 19695,
19697, 19699, 19701, 19703 of 2017
and 9630 & 9631 of 2018

W.P.No.14851 of 2017:

1.A.Mahendran

... Petitioner

Vs.

1.The Government of Tamilnadu,
Represented by its the Principal Secretary,
Finance (Pay Cell) Department,
Fort St. George, Chennai-600 009.

2.The Commissioner of Rural Development &
Panchayat Raj Department.
Panagal Building, Saidapet, Chennai – 600 015.

3.The District Collector,
Dindigul District,
Dindigul.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Certiorari calling for the records relating to



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the issue G.O.242 Finance (Pay Cell) Department dated 22.07.2013 on the file of 1st respondent and quash the same.

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For Petitioners : Mr.N.Subramaniyan in all W.Ps.

For Respondents

R1 : Ms.C.N.G.Nirai Mathi in all W.Ps

R2 & R3 : Ms.E.Ranganayaki in all W.Ps
Additional Government Pleader.

ORDER

In all these batch of writ petitions, the petitioners have challenged the Government Order issued in G.O.Ms.No.242 Finance (Pay Cell) Department dated 22.07.2013.

2. Having heard the learned counsel for the petitioners, this Court came to the conclusion that there is no necessity to examine the validity of the impugned Government order independently in these batch of writ petitions for the following reasons:

The validity/ sustainability of pay scales that were fixed in G.O.Ms.No.242 Finance (Pay Cell) Department dated 22.07.2013 as well as in G.O.(Ms) No.71, Finance (Pay Cell) Department, dated 26.02.2011 have come up for consideration before the learned Division Bench of this Court in



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W.A.No.504 of 2012 and batch. The learned Division Bench, by an order dated 27.02.2014 while constituting Pay Grievance Redressal Committee (“PGRC”, for short) lead by the former Chief Justice of Chattisgarh High Court, ordered not to implement the above said two G.Os, if they were not already implemented by the date of that order. The said directions issued by the learned Division Bench reads as under:

“51. In such circumstances, the writ appeals and writ petitions are disposed of with the following directions:

(i) The Government shall constitute a Pay Grievance Redressal Committee under the Chairmanship of Hon'ble Mr.Justice A.S.Venkatachalamoorthy, formerly Judge of this Court, who was elevated and retired as Chief Justice of the Chattisgarh High Court.

(ii) The Government is at liberty to nominate one or two Senior level IAS Officers at the level of Principal Secretary, serving/retired as Member(s) of the Pay Grievance Redressal Committee.

(iii) The Pay Grievance Redressal Committee shall be given specific terms of reference by the Government, with a request to submit a report/recommendations for taking fresh decision regarding the enhancement/reduction of the pay scales/grade pay of 52 or more categories of 20 or more departments, etc.



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(iv) *The Government is directed to constitute the above said committee within a period of three weeks from the date of receipt of copy of this order, prescribing time limit, within which report/recommendations is to be submitted for taking fresh decision.*

(v) *In view of the constitution of the above said Committee as ordered above, the implementation of G.O.Ms.No.71 dated 26.02.2011 and G.O.Ms.No.242 dated 22.07.2013 insofar as it affects any category of Government Servants/pensioners/family pensioners, which are not implemented as on today shall not be implemented till fresh decision is taken.*

(vi) *If any of the categories of Government servants of any department, who have been offered higher scales of pay as on today, it is open to the Government to implement the same insofar as the pay scales, which are beneficial to the employees of such categories.*

(vii) *As we have appointed the Chairman of the PGRC, we direct the Government of Tamil Nadu to make available office premises with supporting staff and to provide a Government car with driver for the use of the Chairman for effective functioning of the Committee.*

(viii) *We fix the remuneration for the Chairman of the Committee as Rs.1.50 lakhs per month and direct the Government to sanction necessary funds towards*



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remuneration and for meeting other expenses for effective functioning of the Committee.

(ix) It is open to the Government to fix remuneration of the Members/member of the Committee, to be nominated by the Government, if they are retired IAS officer(s).

(x) There is no order as to costs.

(xi) Connected miscellaneous petitions are closed.”

3. Aggrieved by the said order passed by the learned Division Bench, the State as well as other affected parties approached the Hon'ble Apex Court. The Hon'ble Apex Court in C.A.Nos.10029 & 10030 of 2017 passed an order dated 28.11.2019, partially modifying the order passed by the learned Division Bench, directions partially modifying the orders passed by the Division Bench in paragraph 51 (v) of its order. The relevant directions issued by the Hon'ble Apex Court are as under:

“18. But, it has been more than five years since the directions were issued by the Division Bench of the High Court and as a result of the interim orders passed by this Court, the PGRC could not be set up. In the circumstances, certain modifications in the directions issued by the Division Bench in para 5 of its order are called for and we proceed to



direct:-

- A) Direction No.(i) as issued by the Division Bench is reiterated except that Mr. Justice A.S.Venkatachalamoorthy having now expressed his unwillingness, Mr.Justice D.Murugesan, formerly Chief Justice, High Court of Delhi is appointed as Chairman of Pay Grievance Redressal Committee.*
- B) Direction No.(ii) as issued by the Division Bench is accepted and it is added that the Chairman of the PGRC will be at liberty to co-opt any two experts as he deems appropriate as members of the PGRC, who shall be paid such honorarium by the State Government, as the Chairman deems appropriate.*
- C) Directon Nos.(iii) and (v) to (vii) issued by the Division Bench are accepted and do not call for any change.*
- D) Instead of R.1.5 lakhs per month, we fix the honorarium of the Chairman of the PGRC at Rs.3.5 lakhs per month by the other parts of Direction No.(viii) are maintained.*
- E) Direction No.(ix) issued by the Division Bench is accepted and does not call for any change.*
- F) It is further directed:-*
- (a) Within a week from today, the State Government shall issued appropriate orders constituting the*



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PGRC as stated above.

- (b) Within a week thereafter, the State Government shall make appropriate and adequate arrangements and provide office space befitting the status of the Chairperson and other Members and also provide adequate staff, secretarial assistance and other facilities.*
- (c) Within two weeks of the constitution of the PGRC all the concerned individuals/associations shall file their representations. No representation fled beyond the period of two weeks shall ordinarily be accepted by the PGRC.*
- (d) Direction No.(iv) issued by the Division Bench shall stand modified to the aforesaid extent.*
- (e) These direction are in addition to and in further elaboration of direction No. (vii) issued by the Division Bench.”*

4. In the light of the above, the orders passed by the learned Division Bench of this Court and as modified by the Hon'ble Apex Court as noted above, practically, operation of G.O.Ms.242 Finance (Pay Cell) Department, dated 22.07.2013 which is impugned in these batch of writ petitions remains



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suspended and the implementation of the said Government order is also subjected to the report to be submitted by the PGRC as they are appointed by the Hon'ble Apex Court and further orders to be passed by the Government with regard to fixation of pay of the relevant categories.

5. Pursuant to the orders passed by the Hon'ble Apex Court as noted above, the Pay Grievance Redressal Committee as gone into the matter and report was submitted to the Government resulting in issuance of G.O.Ms.No,420 Finance (Pay Cell) Department, dated 12.11.2020. The said Government order, dated 12.11.2020 was again the subject matter of batch of writ petitions before a learned Single Judge of this Court. The said batch of writ petitions came to be disposed of by common order dated 04.04.2024, wherein, the learned Judge set aside the impugned Government order therein and reconstituted the PGRC. The matter is now pending for consideration before the PGRC as constituted by an order dated 04.04.2024, by the learned Single Judge of this Court in W.P.MD.No.17163 of 2020 and batch. The learned Single Judge while disposing of the said batch of writ petitions and constituting the new PGRC, directed the maintenance of *status quo* until a



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fresh decision is taken by the Government based on the recommendations to be given by the new PGRC.

6. In view of the said order passed by the learned Single Judge of this Court read with the orders passed by the learned Division Bench and the Hon'ble Apex Court as noted above, the question of giving effect to the impugned G.O. issued in G.O.Ms.No.242 does not arise. Further, the validity of the said impugned Government order is also subjected to the report to be submitted by the newly constituted PGRC and consequential orders to be passed by the Government with regard to fixation of pay of all the categories in question i.e., Executive Engineer, Assistant Executive Engineer & Assistant Engineer. Thus, the relief sought for in this writ petition need not be considered afresh as the operation of the impugned Government order is already made inoperative by virtue of the orders passed by this Court as well as the Honb'le Apex Court as noted above.

7. In the light of above, all the writ petitions are closed. In case, if the petitioners are aggrieved by the report which is to be submitted by the newly



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constituted PGRC and the consequential Government orders to be passed, it is open for the petitioners to take appropriate steps against such orders. Till the newly constituted PGRC submits its report and consequential decision is taken by the Government, the impugned Government order shall not be given effect to insofar as the petitioners herein are concerned.

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Index : Yes/No
Speaking Order : Yes/No
dpa

To:

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