



WEB COPY



W.A. No.1180 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2024

CORAM

THE HON'BLE MR. JUSTICE R. MAHADEVAN
AND
THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ

W.A. No.1180 of 2024

S. Ravichandran

Appellant

v

1 A. Sahayaraj

2 G. Joseph Eugin Ezhilan

3 R. Joseph

4 S. Abdul Salam

5 The Secretary to Government
Finance (CMPC) Department
Fort St. George
Chennai 600 009

6 The Director of School Education
College Road
Chennai 600 006

7 The District Educational Officer
Nagapattinam

Respondents

Writ Appeal filed under Clause 15 of the Letters Patent challenging the
order dated 25.07.2023 passed in W.P. No.33269 of 2014.



WEB COPY



W.A. No.1180 of 2024

For appellant
For RR 5 to 7

Mr. R. Prem Narayan
Mr. J.C. Durairaj
Additional Government Pleader

JUDGMENT

(delivered by R. MAHADEVAN, J.)

The correctness of the order dated 25.07.2023 passed by a learned Judge in W.P. No.33269 of 2014 is called into question in this writ appeal.

2 The germane facts which are necessary for deciding this writ appeal could be summarised as below:

2.1 The appellant and four others are working as Laboratory Assistants in the Government Aided schools in Nagapattinam District. An Official Committee was constituted by the Government to examine and make necessary recommendations for the revision of scales of pay and allowances of the State Government employees and teachers, including employees of local bodies based on the decision of the Central Government on the recommendations of the Sixth Central Pay Commission. In pursuance of the recommendations of the said Committee, the Government issued G.O.Ms.No.234, Finance Department dated 01.06.2009, as per which, Selection Grade Laboratory Assistants and Special



W.A. No.1180 of 2024

Grade Laboratory Assistants are to get Rs.4,200/- and Rs.4,400/- respectively as Grade Pay.

2.2 However, the appellant and other four writ petitioners were granted lesser scale of pay with Grade Pay as Rs.2,400/- as against the Grade Pay of Rs.4,200/-. The reason assigned for awarding lesser scale of pay with Grade Pay as Rs.2,400/- to the appellant and four others was that as per clarificatory letter dated 25.07.2014 of the first respondent, the revised pay is to be granted only to those who were awarded with Selection Grade and Special Grade between 01.01.2006 and 31.05.2009 and not to those who were awarded with Selection Grade and Special Grade after the said cut off period. Meanwhile, yet another letter was issued by the first respondent on 08.11.2010 denying revision of pay to the appellant and four others on the ground that they were awarded with Selection Grade and Special Grade on or after 01.06.2009.

2.3 Thus, G.O. (Ms.) No.234, *supra*, the clarificatory letter dated 25.07.2014 and the letter dated 08.11.2010, were challenged by the appellant and four others in W.P. No.33269 of 2014.



WEB COPY

2.4 The main grounds urged before the learned Judge were that:

a. when the Official Committee was constituted pursuant to the recommendations of the VI Central Pay Commission in order to rectify the pay anomalies, there cannot be a further cut off date, thereby depriving the revision of pay to the appellant and four others.

b. the appellant and four other writ petitioners working as Laboratory Assistants, on the one hand, and all other persons working in the same cadre, on the other hand, should be treated as a homogeneous class and two different scales of pay cannot be granted on the basis of date of award of Selection Grade, which is tantamount to violation of principle of equal pay for equal work.

2.5 A counter affidavit was filed by the first respondent stating *inter alia* that the recommendations of the Official Committee were implemented on pay scale to pay scale basis *vide* G.O. (Ms.) No.234, *supra*; further, as per G.O.(Ms.) No.237, Finance (Pay Cell) Department dated 22.07.2013, the appellant and four others are entitled to an additional increment benefit equivalent to 3% + 3% of Basic Pay (Pay + Grade Pay); that apart, as a policy decision, the Government wanted to abolish the system of providing separate scales of pay for those awarded with Selection Grade and Special Grade, for



W.A. No.1180 of 2024

which purpose, a cut off date was required, which was rightly fixed *vide* clarificatory letter dated 25.07.2014.

2.6 Finding merit and substance in the stance of the Government, the learned Judge dismissed the claim of the appellant and writ petitioners 1,3 and 4 and as for the fifth writ petitioner, the learned Judge directed the first respondent to pass orders for sanctioning the benefit in question. Aggrieved, the second writ petitioner alone has filed this writ appeal.

3 Heard the learned counsel for the appellant and the learned Additional Government Pleader for respondents 5 to 7 and also perused the documents enclosed in the typed set of papers.

4 It is beyond cavil that the appellant was not awarded with Selection Grade during the cut off period fixed by G.O.(Ms.) No.234, *supra*. It is also an admitted fact that the appellant was granted an additional increment benefit equivalent to 3% + 3% of Basic Pay (Pay + Grade Pay). What is to be decided is whether by way of a clarificatory letter, the appellant can be deprived of revision of pay.



W.A. No.1180 of 2024

5 Be it noted, it was the policy decision of the Government to abolish

the system of providing separate pay scales for those awarded with Selection Grade and Special Grade which necessitated fixing of a cut-off date *vide* clarificatory letter dated 25.07.2014. Viewing from that angle, it cannot be said that the learned Judge is not justified in turning down the appellant's claim, for, trite it is that the policy decision of the Government cannot be interfered with by Courts, unless it is vitiated by arbitrariness or discrimination. The stance of the appellant that denial of revision of pay to him based on the date of his being awarded Selection Grade is discriminatory and arbitrary, cannot be countenanced in view of the fact that the impugned mode of fixation is done in respect of all Government employees who were awarded Selection Grade/Special Grade after the cut off period, as has been rightly pointed out by the learned Judge.

6 In such perspective of the matter, we are not inclined to interfere with the order of the learned Judge in turning down the claim of the appellant.



W.A. No.1180 of 2024

WEB COPY As a sequel, this writ appeal fails and is accordingly dismissed, however,
sans costs.

[R.M.D, J.] [M.S.Q, J.]
15.04.2024

cad

To

- 1 The Secretary to Government
Finance (CMPC) Department
Fort St. George
Chennai 600 009
- 2 The Director of School Education
College Road
Chennai 600 006
- 3 The District Educational Officer
Nagapattinam



WEB COPY



W.A. No.1180 of 2024

R. MAHADEVAN, J.

and

MOHAMMED SHAFFIQ, J.

cad

W.A. No.1180 of 2024

15.04.2024