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W.P.Nos.25103, 26740 and 32225 to 32227 of 2017



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.04.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.25103, 26740 and 32225 to 32227 of 2017

and

W.M.P.Nos.26545, 26543, 26544, 28470, 28471, 35488 to 35490, 35491 to

35493 and

W.M.P.Nos.35494 to 35496 of 2017

and

W.M.P.Nos.11349, 11350 and 11351 of 2018

and

W.M.P.No.7901 of 2019

W.P.No.25103 of 2017

- 1.V.K.Ashok Kumar
2. S.Ahammed Astak
3. M.Menaka
4. K.Kamalam
5. G.Vedha Bhavani
6. M.Arivukanmani
7. D.Martin King
8. R.S.Saranya
9. G.Aarthy
10. M.Kothandaraman
11. V.Divisuraganapathy
12. N.Srinivasan
13. M.Priyadarshini
14. R.P.Sumithra
15. K.Dhanadayuthapani
16. V.Ganimalar
17. S.K.Kalavathy
18. R.Mathiazkan



W.P.Nos.25103, 26740 and 32225 to 32:

19. A.Bala Subramaniam
20. K.Senthilnathan
21. P.Gopinathan
22. R.Revathi
23. L.Palani
24. M.Vinoth Pandian
25. A.Manikandan
26. B.R.Ramesh
27. A.Nilvazhagi
28. B.Vaithiyanathan
29. A.T.Jeyakumar
30. N.Sekar
31. M.Tamilarasu
32. B.Ananth
33. P.Venkatachala Thirupathy
34. V.Yuvaraj
35. M.Maniraja
36. T.Panneer Selvam
37. K.Veeraraghavan
38. S.Kalaiarasan
39. D.Karthik
40. S.Sukanya
41. S.Ratna Sabapathy
42. K.Kumaravel
43. M.Banupriya
44. T.Saraswathi
45. S.Kathick
46. R.Evagelin Sneha
47. S.Saravanan
48. K.Senthil
49. V.Kavitha
50. D.Ravichandran
51. S.Masthani
52. V.Prabhu
53. N.Arivalagan
54. K.S.Arun
55. V.Prasanna
56. C.J.Vidhya Iris



W.P.Nos.25103, 26740 and 32225 to 32

57. K.Mohanakumari
58. S.Saravanan
59. S.Sasirekha
60. V.Senthil
61. G.Arulmaran
62. K.Pramilarani
63. N.Nagaraju
64. Z.Mohamed Aarif
65. G.Rajkumar
66. S.Kavitha
67. R.Praveen Kumar
68. R.Godlin Melba
69. K.Swarna Lakshmi
70. K.Jayanthi
71. T.Rajaram
72. K.P.Kumaran
73. R.Dhanasekar
74. M.Dhanasekar
75. Victor Jesudasan
76. O.K.Venkatesulu
77. M.Kavitha
78. A.Ezhil Malar
79. S.Yesu
80. D.Uma Maheswaran
81. M.Murugaiyan
82. J.Parthiban
83. S.Malarvizhi
84. R.G.Sivasakthi
85. A.Mohamed Habeeb
86. R.Anandan
87. M.Rajamani
88. D.Mathiyalagan
89. P.Padmavathy
90. K.Shanmugam
91. V.K.Malar
92. J.Ramesh Kumar
93. T.Vennila
94. A.Karthikeyan



95. U.Alamelu
96. A.Mothiram
97. V.Hemalalini
98. A.Somasundar Raj
99. V.Thennarasu
100. K.Kavipriya
101. E.M.Maidhili
102. R.Balasubramniayan
103. Bala Muthuraman
104. S.Gobinath
105. M.Kumar
106. R.Rudrakoteeswaran
107. G.Baskar
108. A.M.Mahathevan
109. K.P.Boopathy
110. M.Vinoth
111. G.Babu

... Petitioners

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary, Finance Department, Fort St.George,
Chennai – 600 009.
2. The Director of Rural Development & Panchayat Raj Department,
Panagal Building, Saidapet, Chennai – 600 015.
3. The Accounts Officer (E),
The Greater Chennai Corporation,
Chennai – 3.
4. The Accounts Officer (Buildings),
The Greater Chennai Corporation,
Chennai – 3.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records on the file of 3rd respondent in respect of his Memo Pa.Ka.Ku.E.Na.Ka.No.A1/ Special/2017 dated 06.09.2017 and on the file of 4th respondent in respect of his Note in UAC/B/B2/Spl/2017 dated 13.09.2017 and



quash the same.

W.P.No.26740 of 2017

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1. P.Dhanalakshmi
2. S.Viswanathan
3. B.Premalatha
4. D.Kalidoss
5. V.Rajacholan
6. R.Gopi
7. D.Saravanan
8. G.Suresh
9. P.Jayaprakash

... Petitioners

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary, Finance Department, Fort St.George,
Chennai – 600 009.
2. The Director of Rural Development & Panchayat Raj Department,
Panagal Building, Saidapet, Chennai – 600 015.
3. The Accounts Officer (E),
The Greater Chennai Corporation,
Chennai – 3.
4. The Accounts Officer (Buildings),
The Greater Chennai Corporation,
Chennai – 3.
5. The Zonal Officer,
Zone No.7, Greater Chennai Corporation,
Zone No.7, MTH Road, Chennai – 600 053.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records on the file of 3rd respondent in respect of his Memo Pa.Ka. Ku.E. Na.Ka. No.A1/ Special/ 2017 dated 06.09.2017, on the file



of 4th respondent in respect of his note in UAC/B/B2/ Spl/2017 dated 13.09.2017 and on the file of 5th respondent in respect of the proceedings in Zone-7.Mi.Thu. Na.Ka. No.E4/ 40/17 dated 22.09.2017 and quash the same.

W.P.No.32225 of 2017

1. C.Raju
2. A.Roseline Gnanamani
3. U.Saravanakumari
4. V.Panbarasan
5. K.Namasivayam
6. D.Soundararaj

... Petitioners

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary, Finance Department, Fort St.George,
Chennai – 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai – 600 003.
3. The Accounts Officer (E),
The Greater Chennai Corporation,
Chennai – 3.
4. The Accounts Officer (Buildings),
The Greater Chennai Corporation,
Chennai – 3.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records on the file of the 3rd respondent in respect of his Memo Pa.Ka.Ku.E. Na.Ka. No.A1/Special/2017 dated 6.9.2017, on the file of the 4th respondent in respect of his Note in UAC/B/ B2/Spl/2017 dated 13.9.2017 and on the file of the 1st respondent in respect of Letter No.53137/ Pay Cell/ 2015-1 dated 25.9.2015 issued by the Principal Secretary to 1st respondent and quash the same.



W.P.No.32226 of 2017

1. A.Chitradevi
2. L.Sasikala
3. N.Anandaraj

... Petitioners

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary, Finance Department, Fort St.George,
Chennai – 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai – 600 003.
3. The Accounts Officer (Buildings),
The Greater Chennai Corporation,
Chennai – 3.
4. The Regional Deputy Commissioner,
Central Region,
Greater Chennai Corporation,
36B, Pulla Avenue, Shenoy Nagar,
Chennai – 30.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 3rd respondent in respect of his Note in UAC/B/ B2/Spl/2017 dated 13.9.2017 and on the file of the 4th respondent in respect of the proceedings in Ma.Va.A.Na.Ka. No.A1/6185-2/2016 dated 14.07.2016, Ma.Va. A.Na.Ka. No.A1/6185-4/2016 dated 18.08.2016 and Ma.Va.A.Na.Ka.No.A4/5928/2016 dated 24.06.2016 and quash the same and consequently direct the respondents to fix the pay scale of Rs.15600-39100+6600 for the petitioners as ordered by the 1st respondent in G.O.Ms. No.335 Finance (Pay Cell) Department dated 26.8.2010.

W.P.No.32227 of 2017



1. K.Padmavati
2. G.Shanthi
3. R.Ranganathan
4. K.Devendr
5. P.Varadharajan
6. S.Harinath
7. R.Selvakumar

... Petitioners

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary, Finance Department, Fort St.George,
Chennai – 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai – 600 003.
3. The Financial Advisor,
Greater Chennai Corporation,
Rippon Building, Chennai – 3.
4. The Accounts Officer (Buildings),
The Greater Chennai Corporation,
Chennai – 3.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st respondent in respect of Letter NO.53137/Pay Cell/2015-1, dated 25.9.2015 issued by its Principal Secretary, on the file of the 4th respondent in respect of his Note UAC/ B/B2/Spl/2017 dated 13.9.2017 and on the file of 2nd respondent in respect of his proceedings in Po.Thu.Na.Ka. NO.E1/38341/2012, dated 29.10.2013 in Po.Thu.Na.Ka.No.E1/20625/2014 dated 16.8.2014 and in Po.Thu.Na.Ka.No.E1/20715/2016 dated 3.8.2016 only in so far as fixing the pay scale of Rs.15600-39100+6600 instead of Rs.15600-39100+6600 for the petitioners and quash the same and consequently to direct the respondent to fix the pay scale of Rs.15600-39100+6600 for the petitioners.



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W.P.Nos.25103, 26740 and 32225 to 32:



In all W.Ps

For Petitioners : Mr.N.Subramanian
For R1 : Mr.P.S.Raman, Advocate General
assisted by M/s.C.N.G.Niraimathi
For R2 : M/s.E.Ranganayaki,
Additional Government Pleader

COMMON ORDER

All the petitioners in this batch of Writ Petitions were appointed as Assistant Engineer and Assistant Executive Engineers in the Greater Chennai Corporation during the year 2014 and the pay scale was fixed at Rs.9300-34800 + 5100/- and thereafter, basing upon the representations made by the petitioners, the pay of the petitioners was fixed at Rs.15600-39100 + 5400/- on par with the Assistant Engineers working in other Engineering Departments of the Government of Tamil Nadu. However, immediately thereafter, the pay of the petitioners is sought to be reduced without putting the petitioners on notice and without affording any opportunity by issuing the impugned proceedings dated 13.09.2017. Hence, the petitioners/ Assistant Engineers approached this Court by filing the present Writ Petition.

2. In order appreciate the matter effectively, it is necessary to state few



background facts:

2.1. The pay scales of Assistant Engineers, Assistant Executive Engineers, Executive Engineers and Superintendent Engineers working in the Rural Development and Panchayat Raj Department are always being fixed basing upon the pay scales fixed in respect of the said categories working in the Public Works Department of the State. The official committee constituted to fix the pay scales of the employees in question and other employees on par with the 6th pay scale pay fixed reduced the pay scales for the Engineers viz., Assistant Engineers, Assistant Executive Engineers and Executive Engineers and in view of the said anomaly, the One Man Commission was constituted on the representation made by the Engineers throughout the State, recommended for enhanced pay scales for the above said categories and accordingly, the recommendation of the One Man Commission was accepted resulting in issuance of G.O (Ms) No.312, Public Works Department dated 26.08.2010. Basing upon the said Government order, the Government issued another Government Order in G.O (Ms) No.451, Rural Development and Panchayat Raj Department dated 31.12.2010, fixing the pay of the Engineers working in the Rural Development and Panchayat Raj Department.

2.2. Thereafter the said pay scales fixed under G.O (Ms) No.451 dated



31.12.2010 for the posts of Assistant Engineers, Assistant Executive Engineers and Executive Engineers were reduced by issuing G.O (Ms) No.71 dated 26.02.2011.

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Aggrieved by the said Government Order, various Writ Petitions came to be filed before this Court and though the operation of the said Government Order was initially stayed, later all the batch of Writ Petitions were dismissed in W.P.No.7006 of 2012 and batch by orders dated 08.03.2012, 14.03.2012 and 15.03.2012. Aggrieved by the said orders, a batch of Writ Appeals came to be filed in W.A.No.504 of 2013 and batch and in the said batch, once again the operation of the G.O (Ms) No.71 dated 26.02.2011 was stayed.

2.3. During the pendency of the Writ Appeals, yet another order in G.O (Ms) No.242, Finance Pay Cell Department dated 22.07.2013, further reducing the pay scales of the above said categories of Engineers basing upon a recommendation made by the pay grievance redressal commission. Again another batch of Writ Petitions came to be filed vide W.P.No.21606 of 2013 and batch. The Writ Appeals filed in W.A.No.504 of 2013 and batch and the Writ Petitions filed challenging the G.O (Ms) No.242, Finance Pay Cell Department dated 22.07.2013 came to be disposed of by a common order by the learned Division Bench of this Court. 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.

(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.



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(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 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.*”

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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 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



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appropriate as members of the PGRC, who shall be paid such honorarium by the State Government, as the Chairman deems appropriate.

C) Direction 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 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



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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.

19. It is clarified that regardless of the decision to be taken by the PGRC, any amount paid by way of financial benefit extended to and enjoyed by the concerned employees shall not be recovered i.e. to say that in case the decision in pursuance of the recommendations of the PGRC results in reduction in pay-scales or emoluments as were granted pursuant to GOs dated 26.08.2010, such reduction shall be prospective in application from the day the recommendations of the PGRC come into effect.”

4. In the light of the above, the orders passed by the learned Division Bench of this Court as modified by the Hon'ble Apex Court, as noted above, practically the operation of G.O (Ms) No.242 dated 22.07.2013 and G.O (Ms) No.71 dated 26.02.2011 dated remain suspended and any implementation already made of the said Government Orders was subjected to the report to be submitted by PGRC, appointed by the Hon'ble Apex Court and further orders to be passed by the Government, basing upon the report of the said PGRC.



5. Pursuant to the orders passed by the Hon'ble Apex Court as noted above, the Pay Grievance Redressal Committee has gone into the matter and a 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 challenge in a 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 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 validity of the Government Order issued in G.O.Ms.No.242 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.

7. From the above, it is evident that the Government Order issued in G.O (Ms) No.71 dated 22.06.2011 and G.O (Ms) No.242 dated 22.07.2013 cannot be given effect to and resultantly, the G.O (Ms) No.312 dated 26.08.2010, issued in respect of the Public Works Department and the Government orders in G.O (Ms) No.451 dated 31.12.2010, issued in respect of the Rural Development and Panchayat Raj Department continue to be in force, thereby entitling the engineers, who are working in the above referred three categories viz., Assistant Engineers, Assistant Executive Engineers, Executive Engineers for drawing the pay scales as fixed under the above Government orders.

8. Heard Sri. Mr.N.Subramanian, learned counsel appearing for the petitioners and Sri.P.S.Raman, learned Advocate General appearing for the respondent.

9. The learned counsels appearing on either side fairly submitted that the impugned action of the respondents in reducing the pay of the petitioners herein in



the teeth of various orders passed by this Court as well as the Hon'ble Apex Court cannot be allowed to stand. However, it is also agreed that the petitioners are not entitled to migrate to VII central pay scales until and unless, the issue pertaining to the fixation of pay under the VI Central pay scale is finalised. It is also mutually agreed that the petitioners are also not entitled to retain the benefit of excess amounts received with effect from 01.01.2016, in case if the such amounts are found to be in excess of the amounts payable to the petitioners pursuant to the pay fixed in respect of the posts of Assistant Engineers, pursuant to the orders passed by a learned Single Judge in W.P (MD) No.17163 of 2020 and batch dated 04.04.2024, or otherwise.

10. The learned counsel for the petitioners also further submitted that the petitioners are ready and willing to file appropriate undertaking agreeing to refund or consent for recovery of such excess amounts, if any received with effect from 01.01.2016. Insofar as the amounts that are paid with effect from 01.01.2006 to 31.12.2015 is concerned, the same are covered by the order passed by the Hon'ble Apex Court, as noted above at Paragraph No.19 of the said order.

11. In the light of the above, all the Writ Petitions are disposed of directing the respondents to allow the petitioners to draw the pay scales as is being drawn by



them, however subject to the limitations agreed above and also subject to the pay scales to be fixed pursuant to the orders passed in W.P(MD) No.17163 of 2020 dated 04.04.2024, or otherwise. It is once again made clear that the petitioners herein are not entitled to migrate to VII Central pay scales unless and until the pay of the post of Assistant Engineer is fixed finally in the VI Central pay scales.

12. Accordingly, all the Writ Petitions stand disposed of. No costs. Connected Miscellaneous Petitions, if any shall stand closed.

30.04.2024

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Secretary to Government of Tamil Nadu,
Finance Department, Fort St.George,
Chennai – 600 009.
2. The Director of Rural Development & Panchayat Raj Department,
Panagal Building, Saidapet, Chennai – 600 015.
3. The Accounts Officer (E),
The Greater Chennai Corporation,
Chennai – 3.



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4. The Accounts Officer (Buildings),
The Greater Chennai Corporation,
Chennai – 3.

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5. The Zonal Officer,
Zone No.7, Greater Chennai Corporation,
Zone No.7, MTH Road, Chennai – 600 053.

6. The Financial Advisor,
Greater Chennai Corporation,
Rippon Building, Chennai – 3.

MUMMINENI SUDHEER KUMAR, J.

skr

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30.04.2024