



W.P. No.32359 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.32359 of 2018

V.Sampath Kumar

... Petitioner

Vs.

1.The Principal Accountant General (A&E),
Tamil Nadu,
No.361, Anna Salai,
Chennai – 600 018.

2.The Divisional Engineer (Highways) O & M,
Moolapalayam Post,
Erode – 11.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified mandamus, calling for the records of the first respondent bearing No. PO3/3/10319219/ADK dated 02.08.2017, quash the same as illegal and justified and consequently direct the first and second respondents to extend the benefits of the G.O.No.210 dated 11.03.1987 read with the Clarifications issued by the Director General, Highways vide Circular dated 11.12.2014 in favour of the petitioner herein as proposed vide proceedings of the second respondent dated 15.05.2017 bearing Na.Ka.No.17/2015/A5 dated 15.05.2017 and consequently direct eh first and second respondents to re-fix the pay of the petitioner herein in terms



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of the same and other precedents of fixation made in analogous cases mentioned and pay the arrears of pay and allowances, pension, DCRG, commutation of pension, surrender leave salary, etc., with costs and interest thereon at 18% per annum from the day the amount became due.

For Petitioner : Mr.M.Manimaran
For R1 : Mr.M.Vijayashankar
For R2 : M/s.E.Ranganayaki
Additional Government Pleader.

ORDER

The petitioner herein was initially appointed as Road Inspector Grade II on 26.04.1972 and his services were regularized in the said post on 01.01.1978. Thereafter, on completion of 10 years of services in the post of Road Inspector Grade II, he was awarded selection grade on 08.01.1988 and on the very same date, the post of Road Inspector Grade II held by the petitioner was upgraded as Road Inspector Grade I. Thereafter, the petitioner was awarded selection grade, on completion of 10 years of service in the post of Road Inspector Grade I and special grade on completion of 20 years of service with effect from 08.01.1998 and 08.01.2008 respectively. Thereafter, the petitioner retired from service on attaining the age of superannuation on 30.06.2009 and his pensionary benefits were also settled.



Thereafter, in the year 2017 departmental authorities forwarded revised proposal in respect of the petitioner for awarding selection grade in the post of Road Inspector Grade I on 09.01.1988 itself instead of 08.01.1998 and proposed re-fixation and revision of pension of the petitioner.

2. However, the said proposal submitted by the departmental authorities was negated by the 1st respondent through impugned letter dated 02.08.2017 on the ground that, in terms of G.O.Ms.No.210 dated 11.03.1987, the petitioner is not entitled for such revision of pension as proposed by the departmental authorities. It is aggrieved by the said Letter dated 02.08.2017 issued by the 1st respondent, the petitioner filed the present writ petition seeking to extend the benefits of G.O.Ms.No.210 dated 11.03.1987.

3. There is no dispute on factual aspects especially the fact that the petitioner was granted selection grade in the post of Road Inspector Grade II on 08.01.1988 and he was upgraded to the post of Road Inspector Grade I on the very same date.



4. A fair perusal of G.O.Ms.No.210 dated 11.03.1987 makes it clear that, all the employees holding the post of Road Inspector Grade II were awarded selection grade in the said post on completion of 10 years of service and thereafter rendered certain service in Grade II post and then the said post was upgraded to the post of Road Inspector Grade I and the scale of pay payable in the upgraded post is equal to the selection grade scale that is already been drawn by the employee, in such circumstances, the selection grade service rendered in the Grade II post was directed to be counted for the purpose of award of selection grade in the upgraded post, i.e., Grade I post.

5. In the instant case, the petitioner was awarded selection grade in the lower post on 08.01.1988 and on the same date, the post held by the petitioner i.e., Road Inspector Grade II was upgraded as Road Inspector Grade I. There is no selection grade service rendered by the petitioner in the lower post for counting such service for award of selection grade in the post of Road Inspector Grade I..



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6. Therefore, the question of extending the benefit of G.O.Ms.No.210 dated 11.03.1987 to the petitioner does not arise. The entire service that was rendered by the petitioner in the post of Road Inspector Grade II is only prior to award of selection grade and therefore, counting the said service for the purpose of award of selection grade in the upgraded post does not arise. Thus, claim made by the petitioner to extend the benefit of G.O.Ms.No.210 dated 11.03.1987 is totally unsustainable.

7. In the light of the above, this Court does not find any error or illegality in the impugned Letter No. PO3/3/10319219/ADK dated 02.08.2017 issued by the 1st respondent. Accordingly, the writ petition is dismissed and the connected miscellaneous petitions, if any, shall stand closed. No costs.

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



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MUMMINENI SUDHEER KUMAR,J.

dpa

To:

- 1.The Principal Accountant General (A&E),
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No.361, Anna Salai,
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- 2.The Divisional Engineer (Highways) O & M,
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