



W.P.(MD) No.1505 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.03.2024

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THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.1505 of 2021
&
W.M.P(MD)Nos.1296 and 1297 of 2021

Sridharan,

... Petitioner

Vs

1. The Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Secretariat, Chennai-9.

2. The District Collector,
Madurai District , Madurai.

3. The Special Tahsildar,
(Land Acquisition),
SIPCOT Unit-II,
Thirumangalam,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 2nd respondent by his proceedings in



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Na.Ka.No. 7085/2018/PA6, dated 23.03.2020 and quash the same as illegal in so far granting selection grade with effect from 07.08.1992, consequently directing the 2nd respondent to grant selection grade with effect from 13.06.1983 and special grade w.e.f.13.06.1993 with all monetary benefits payable to the petitioner.

For Petitioner : Mr.T.Lenin Kumar
For R1 to R3 : Mr.D.Sachi Kumar
Additional Government Pleader

ORDER

The petitioner herein was initially appointed as Office Assistant on 07.06.1971 in Aruppukottai Special Tahsildar Office and later on, he was appointed as Night Watchman on 13.06.1972 and on attaining the age of superannuation, the petitioner retired from service on 31.12.2012 in the post of Night Watchman. Thereafter, the petitioner agitated for regularization of service and accordingly, the service of the petitioner was regularized by issuing an order in G.O.Ms.No.379, dated 23.10.2015, regularizing with effect from 17.06.1972. Thereafter, the petitioner claimed for granting for selection grade and special grade on completion of ten years and twenty years respectively. But the said claim of the petitioner though considered by the



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respondents, only selection grade was only granted w.e.f 07.08.1992 relaxing the requirement of possessing all the requisite qualifications for promotion to the next higher level. Aggrieved by the said order passed in Na.Ka.No. 7085/2018/PA6, dated 23.03.2020, the petitioner approached this Court by filing this petitioner.

2.It is not in dispute that the service of the petitioner was regularized with effect from 17.06.1972 in the post of Night Watchman and he retired from the said post on attaining the age of superannuation on 31.12.2012. It is also not in dispute that the petitioner has completed ten years of service by 17.06.1982. But the benefit of Selection Grade was refused to be granted with effect from 17.06.1982 by the respondents only on the ground that the G.O.Ms.No.276, was issued only on 07.08.1992 and only from that date, the petitioner is entitled for the selection grade. The benefit of selection grade and special grade due to stagnation in the same post was introduced by the G.O.Ms.No.68, dated 23.01.1986. Through G.O.Ms.No. 276, dated 07.08.1992, it is only qualifying criteria to draw the selection grade or Special grade, are prescribed.



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3.The fact remains that the petitioner is eligible for grant of selection grade from the date of completion of ten years of the service and also for grant of Special Grade on completion of twenty years of service in the same post. There is no dispute on the factual aspects in the present case that the petitioner herein has completed ten years of service on 17.06.1982. Hence, the claim of the petitioner for grant of selection grade w.e.f. 17.06.1982 and for special grade from 17.06.1992 cannot be denied. The reason given in the impugned order is wholly unsustainable and the impugned order is set aside and consequently, the writ petition is allowed. No costs.

4.The respondents are directed to award selection grade and special grades with effect from 17.06.1982 and 17.06.1992 respectively and refix the pay of the petitioner, revise his pension and also pay all the arrears as early as possible at any rate within a period of three months from the date of receipt of a copy of this order.



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5. Consequently, the connected miscellaneous petitions are closed.

NCC : Yes/No

Index : Yes/No

Internet : Yes

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MUMMINENI SUDHEER KUMAR, J.

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