



W.P.(MD)No.7574 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.7574 of 2024

C.Kandasamy

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Revenue Department,
Secretariat,
Fort St.George,
Chennai – 600 009.

2.The Commissioner of Revenue Administration,
Chepauk,
Chennai – 600 005.

3.The District Collector,
Madurai District,
Madurai.

4.The Tahsildar,
Peraiyur Taluk,
Taluk Office,
Peraiyur,
Madurai District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to impugned order passed by the first respondent in G.O.(2D) No.43, dated 12.02.2020 and quash the same and consequently direct the respondents by considering the petitioner's representation dated 24.07.2016 in the light of recommendation made by the fourth respondent in Na.Ka.No.179/2016/C5, dated 06.07.2016.

For Petitioner : Mr.S.Sades Kumar

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking to quash the order passed by the first respondent in G.O.(2D) No.43, dated 12.02.2020 and consequently direct the respondents by considering the petitioner's representation dated 24.07.2016 in the light of recommendation made by the fourth respondent in Na.Ka.No.179/2016/C5, dated 06.07.2016.

2. Heard Mr.S.Sades Kumar, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader for the respondents.



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3. The petitioner who has been working as Village Administrative Officer has applied to the post of Revenue Assistant, had got selected and joined the said post on 12.02.2021. However, the petitioner claims that he is entitled to get scale of pay by taking into account his earlier scale of pay in the category of Village Administrative Officer. In such case, he would get a higher pay than what has been fixed now. The representation given by the petitioner has been rejected on that score by the first respondent through impugned order dated 12.02.2020. In the impugned order, it has been stated that the petitioner had participated in Group-II examination and selected as Revenue Assistant. However, his appointment to the said post can be considered as fresh appointment and his past service can be included only for the purpose of calculating his pensionary benefits and not for any pay benefits. The above position has been clarified under Fundamental Rules 22-b(vi) and that is exactly the reason stated for rejecting the petitioner's representation. For the sake of convenience, the said rule is extracted hereunder:

“(6) In the case a Government servant already in service in a post is appointed to another post through the Tamil Nadu Public Service Commission by direct recruitment, or when the mode of his appointment to the new post is by direct recruitment, the Government servant concerned should



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be allowed to draw the minimum of the level in the pay matrix or as provided in the service rules relating to such appointments and fixation of pay under Fundamental Rule 22 or 22-B is not admissible.”

4. Since, the rule does not permit any pay protection to those who were already in service and to participate in the selection process for any post recruited through TNPSC, the petitioner cannot claim any such benefits. The order dated 12.02.2020 has rightly passed by invoking the correction provision. Hence, I find no merits in this case.

5. In view of the above stated reasons, this Writ Petition stands **dismissed**. No costs.

24.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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R.N.MANJULA, J.

Nsr

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