



W.P.(MD)No.8477 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.8477 of 2024

and

W.M.P.(MD).No.7667 of 2024

M.B.Basheer Mohamad

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Department of Municipal Administration
and Water Supply,
Government of Tamil Nadu,
Secretariat,
Chennai.

2.The Commissioner of Municipal Administration,
Ezhilagam Annexe,
Chepauk,
Chennai – 600 005.

3.The Commissioner,
Madurai Corporation,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to proceedings of the respondent No.1 in and by his Letter No. 11163 / MaaNa4/2022, dated 15.12.2022 and quash the same and directing the respondents herein to fix petitioner pay in the scale of pay of 4800-10,000 + GP1650 in accordance with the Government Order in G.O.Ms.No. 385 Finance (pay cell) Department dated 01.10.2010 with effect from 25.10.2011 on par with the similarly placed sanitary supervisors working in the third respondent corporation with all monetary benefits and arrears of amount due to petitioner within the period that may be fixed by this Court.



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For Petitioner : Mr.G.M.Xavier

For R-1 and R-2 : Mr.M.Lingadurai
Special Government Pleader

For R-3 : Ms.S.Devasena
Standing Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. Heard Mr.G.M.Xavier, learned counsel for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader for the Respondents No. 1 and 2 and Ms.S.Devasena, learned Standing Counsel for the Respondent No.3.

3. This Writ Petition has been filed seeking to quash the order dated 15.12.2022 passed by the first respondent and directing the respondents herein to fix the petitioner's pay in the scale of pay of 4800-10,000 + GP1650 in accordance with the Government Order in G.O.Ms.No. 385 Finance (pay cell) Department dated 01.10.2010 with effect from 25.10.2011 on par with the similarly placed sanitary supervisors working in the third respondent corporation with all monetary benefits and arrears of amount due to petitioner.



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4. Mr.G.M.Xavier, the learned counsel for the petitioner submitted that the petitioner has been given with the special time scale of pay consequent to the Government Orders in G.O.Ms.No. 385 Finance (pay cell) Department dated 01.10.2010. The petitioner has been given with the said benefits and as of now, the petitioner is getting special time scale of pay. Insofar as the said aspect is concerned, there is no quarrel. However, the learned counsel for the petitioner submitted that the petitioner is also entitled to the equal pay as that of the other Government servants who were similarly placed like that of the petitioner. The petitioner has not been given with 3% increment as stipulated under G.O.Ms.No.385 dated 01.10.2010.

(*)5.Mrs.S.Devasena, learned Standing Counsel submitted that the petitioner is not entitled to any other benefits, as the Government has issued directions in G.o.Ms.No.113, dated 11.09.2014 to maintain the status quo. In the said Government order, the following order has been passed:

"3.... The Court has directed to issue necessary orders bringing them into the Special time scale of pay as per the above Government Order. While absorbing the consolidated pay employees and daily wage employees of the erstwhile local bodies merged with the Madurai Corporation, in G.O(Ms)No.116, Municipal Administration and Water Supply Department, dated 19.12.2012, the Government have issued orders that the status quo of the above employees may be



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maintained since they have not been employed under any service rules.....

4. After careful examination, the Government have proposed to accept the proposal of the Commissioner of Madurai Corporation forwarded by the Commissioner of Municipal Administration for bringing the said two individuals Tvl.M.B.Basheer Mohammed S/o. Batcha, Melamadai Panchayat and K.Kannan S/o.Krishnan, Vandiyur Panchayat, erstwhile Panchayat workers, under Special Time Scale of Pay of Rs.1,300-3,000+300 G.P as per the G.O.(Ms).No.385, Finance (Pay Cell) Department, dated 01.10.2010 and order accordingly."

6. Mr.M.Lingadurai, learned Special Government Pleader submitted that in the impugned order, it has been stated that the petitioner is not entitled to get any pay revision and the G.O.Ms.No.385 is not applicable to his case and hence he may be given with the benefits. He further submitted that the post by name Sanitary Supervisor post has not been found place in G.O.Ms.No.234 dated 01.06.2009 Hence, the petitioner is not entitled to the pay revision as claimed by him.

(*)7. No other interpretation can be given to the Government Orders brought there with the meaning of the words employed in the said Government Order.

8. The learned Special Government Pleader further submitted that in the



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impugned order, it is clearly stated that the petitioner has already been given with the special time scale of pay with effect from 01.09.2014 consequent to the Government Order in G.O.Ms.No.385 Finance (pay cell) Department dated 01.10.2010. Since the Government has issued directions in G.O.Ms.No.113 dated 11.09.2014 to maintain the status quo, the petitioner is not entitled to the pay revision as claimed by him.

9. In view of the above discussions, this Writ Petition is **dismissed**. No costs.

Sd/-

Assistant Registrar (AD I)

(*)Corrected as per order of this Court dated 25/06/2024 made in W.P.(MD)No. 8477 of 2024

Sd/-

Assistant Registrar (AD I)

// True Copy //

28/06/2024

Sub Assistant Registrar(CS)

Nsr

To:

<https://www.mhc.tn.gov.in/judis>



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(*)To be substituted the order which already despatched on 25/02/2024

- 1.The Additional Chief Secretary to Government,
Department of Municipal Administration
and Water Supply,
Government of Tamil Nadu,
Secretariat,
Chennai.

- 2.The Commissioner of Municipal Administration,
Ezhilagam Annexe,
Chepauk,
Chennai – 600 005.

- 3.The Commissioner,
Madurai Corporation,
Madurai District.

+1 CC to M/s.S.DEVASENA, Advocate (SR-30390)

+1 CC to M/s.SPL.GP (SR-18786[F] dated 05/04/2024)



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SS/ 21/05/2024/6P/6C
MGJ (28/06/2024) 6P 6C

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