



W.A.(MD) No.185 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2024

CORAM

**JUSTICE N. SESHASAYEE
and
JUSTICE P.VADAMALAI**

W.A.(MD) No.185 of 2018
and
C.M.P.(MD) No.995 of 2018

- 1.The Medical Officer,
Government Primary Health Centre,
Vaiyampatti, Manapparai (TK),
Trichy District.
- 2.The Deputy Director of District Family Welfare
and Chief Health Officer,
Trichy.
- 3.The Deputy Director of District Family Welfare
and Medical Services,
Trichy.

... Appellants/
Respondents 1 to 3

Vs.

- 1.M.Palanivel,
Special Grade Driver,
O/o. Medical Officer,
Government Primary Health Centre,
Vaiyampatti, Manapparai Taluk, Trichy District.



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2.N.Anbalagan

... Respondents 1 & 2/
Petitioners 1 & 2

3.The Sub Treasury Officer,
Sub-Treasury,
Manaparai.

4.The Sub Treasury Officer,
Sub-Treasury,
Thuraiyur, Trichy.

... Respondents 3 & 4/
Respondents 4 & 5

Prayer: Appeal filed under Clause 15 of Letters Patent against the order dated 22.07.2013 made in W.P.(MD) No.11575 of 2013.

For Appellants	:	Mr.V.Nirmal Kumar Government Advocate
For RR1 & 2	:	Mr.M.Ravi
For RR3 & 4	:	Mr.A.Baskaran Government Advocate

JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

This appeal is preferred against an order passed in W.P.(MD) No.11575 of 2013, dated 22.07.2013 by which the learned Single Judge has disposed of



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the said writ petition with another case, which pertains to granting benefit to the Drivers in various Government Departments *vide* G.O.Ms.No.162, Finance (Pay Cell) Department, dated 13.04.1998. The learned Single Judge had extended the benefit to the petitioners before him and this is now under challenge, as outlined earlier with regard to one of the two petitions involved in the common order.

2. The learned Single Judge, in passing the above said order, had relied on few earlier orders of this Court both by the learned Single Judge and also by the learned Division Bench.

3. The learned Government Advocate appearing for the petitioners fairly submitted that the view of this Court extending the benefit of G.O.Ms.No. 162, dated 13.04.1998 to the Government Drivers has been upheld by the Hon'ble Supreme Court in ***P.Singaravelan and others vs. District Collector, Tiruppur and others*** reported in ***(2020) 3 SCC 133***. He conceded that in view of the same, nothing survives on the merit of the appeal.



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4. The learned Government Advocate however made a statement that while mentioning the scale of pay, both of the original pay scale as well as the Selection Grade and Special Grade scale, the order of the learned Single Judge entertains an inadvertent error. This is detailed as below:

Ordinary Grade	Selection Grade	Special Grade
Revised scale of pay as per Sixth Pay Commission		
Rs.4000-100-6000	Rs.5000-150-8000	Rs.5500-175-9000

This is now recorded.

5. The learned Government Advocate added that the pay has been refixed and whatever due is required to be paid has already been paid to the individuals.

6. In view of the above, nothing survives on the merit of the appeal and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(N.S.S., J.) (P.V.M., J.)
08.04.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To

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Sub-Treasury,
Manaparai.
- 2.The Sub Treasury Officer,
Sub-Treasury,
Thuraiyur, Trichy.



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