



W.A.(MD)No.1398 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **23.02.2024**

CORAM:

THE HONOURABLE MRS.JUSTICE **V.BHAVANI SUBBAROYAN**

AND

THE HONOURABLE MR.JUSTICE **K.K.RAMAKRISHNAN**

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- 1.The Director of Medical and
Rural Health Services, Chennai – 6.
- 2.The Joint Director of Medical and Rural
and Rural Health Services and Family Welfare,
Madurai.
- 3.The Deputy Director of Medical and
Rural Health Services and Family Welfare,
Madurai.
- 4.The Medical Officer,
Government Headquarters Hospital,
Madurai.
- 5.The District Treasury Officer,
Madurai.
- 6.The Sub-Treasury Officer,
Tirumangalam, Madurai.
- 7.The Sub-Treasury Officer,
Usilampatti,
Madurai District.



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8.The Sub-Treasury Officer,
Collectorate,
Madurai South,
Madurai District.

9.The Pay and Accounts Officer,
Near Periyar Bus Stand,
Madurai – 625 001.

10.The Sub-Treasury Officer,
Theni, Theni District.

11.The Sub Treasury Officer,
Tirunelveli Town,
Tirunelveli District.

12.The Sub-Treasury Officer,
Uthamapalayam,
Theni District.

13.The Sub-Treasury Officer,
Periyakulam,
Theni District.

14.The Sub-Treasury Officer,
Melur,
Madurai District.

: Appellants/Respondents

Vs.

1.K.Gurunathan
2.P.Palsamy
3.K.Selvaraj
4.R.Radhakrishnan (Rtd)
5.N.Radhakrishnan
6.K.Vellaisamy
7.K.Chinnasamy
8.T.Thiruvassagam



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9.R.Jeyaraman

10.S.Sekar

11.M.Singaraju

12.G.Mahendran

13.C.Murugan

14.K.Govindaraj

15.S.P.Kamaraj

16.M.Ponnusamy

17.A.Chandrasekaran

18.C.Kalanchiyam

19.M.Muthumari

20.G.Vellaichamy

: Respondents/Petitioners

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 30.10.2012 passed in W.P.(MD) No.12180 of 2012.

For Appellant

: Mr.A.K.Manikkam

For Respondents

: No appearance for R3, R7, R16 and R19

JUDGMENT

(Judgment of the Court was delivered by **V.BHAVANI SUBBAROYAN, J.**)

The State has filed this writ appeal against the order of the learned single Judge passed in W.P.(MD).No.12180 of 2012, dated 30.10.2012.

2. The above said writ petition has been filed by the respondents for issuance of a Writ of Mandamus, directing the appellants herein to implement



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the Ordinary Grade, Selection Grade and Special Grade scale of pay as indicated in Schedule II of the Tamil Nadu Revised Scales of Pay Rules, 1998 at Rs.4000 – 5000, Rs.5000 – 8000 and Rs.5500 - 9000 respectively to the petitioners/drivers from 01.01.1996 with all consequential monetary benefits and to revise their pensionary benefits and pay all arrears within a stipulated time. The learned single Judge of this Court, by common order dated 30.10.2012, allowed batch of the writ petitions, directing the appellants/respondents to re-fix the petitioners' pay in Selection Grade and Special Grade scales of pay, whereas in case of petitioners, who have retired from service, their pay be re-fixed for the purpose of grant of pension. The pension be revised accordingly, after revision. The re-fixation of pay, in terms of the order passed, be carried out, within six months of receipt of certified copy of that order. Aggrieved over the said order, the present writ appeal has been filed by the State.

3. The learned Additional Government Pleader appearing for the appellants relied on a decision of the Hon'ble Apex Court in Civil Appeal Nos. 9533 to 9537 of 2019, dated 18.12.2019 and submitted that the issue with regard to fixation of Selection Grade Pay and Special Grade Pay in terms of Serial No.8 of G.O.(Ms.).No.162 was dealt with by the Hon'ble Apex Court in



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the Civil Appeals and allowed the Ordinary Grade, Selection Grade and Special Grade Scales of Pay to drivers in terms of Serial No.6, as per Schedule II of G.O.(Ms.).No.162, Finance (Pay Cell) Department, dated 13.04.1998. In compliance with the decision of the Hon'ble Apex Court, the Government issued a Letter No.4866 Finance (CMPC) Department, Secretariat, Chennai 600 009, dated 22.01.2020, thereby directing that the drivers are entitled to ordinary scale of pay at Rs.3200-85-4900, selection grade at Rs.4000-100-6000 and special grade scale of pay at Rs.4300-100-6000 only.

4. Heard the learned Additional Government Pleader appearing for the appellants and perused the materials available on record.

5. The Hon'ble Apex Court in Civil Appeals @ SLPs (Diary No. 42301 of 2017 held as follows:

“2. These appeals have been filed by the State of Tamil Nadu, represented by its Principal Secretary, Finance (Pay Cell) Department against the judgment and order dated 05.01.2015 of the High Court of Madras in W.P. No.2363 of 2013, and the final judgment and order dated 11.09.2017 dismissing Review Application No.153 of 2016 against the same, with respect to the pay scale entitlements of certain drivers employed by the High Court of Madras in terms of G.O. Ms. No.162.



3. *These appeals arise out of virtually the same factual background as those disposed of above. W.P.No.2363 of 2013 was filed by the concerned drivers employed with the High Court of Madras, seeking quashing of paragraph 5 of Letter No.63305/Pay Cell/2010-1 dated 08.11.2010 issued by the State Government, on which basis the Government had denied them the benefit of Selection and Special Grade pay scales as per 21 Serial No. 8 of Schedule II of the 1998 Rules under G.O. Ms.No.162. The petitioners therein also sought a direction to the State Government for appropriate fixation of pay scales in the above terms.*

4. *The Division Bench allowed the writ petition on the ground that the drivers were not entitled to any promotional avenues, and hence were entitled to the full benefits of the appropriate pay scale under Schedule II of the 1998 Rules. It was further found that the drivers were entitled to benefits under Serial No. 8 of the said schedule, looking to the disposal of similar matters by the High Court and this Court. The review application filed against the same also came to be dismissed by the High Court.*

5. *As discussed supra, it has not been disputed before us that the drivers concerned were not entitled to any promotional avenues. Thus, it is evident that the High Court rightly concluded that the drivers were entitled to the full benefits of the appropriate pay scale under Schedule II of the 1998 Rules. However, in light of our foregoing finding that persons employed in the post of drivers in various departments in the Government of Tamil Nadu are only*



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entitled to Ordinary, Selection and Special Grade pay scales in terms of Serial No. 6 of Schedule II of the 1998 Rules, i.e. at Rs. 3200-4900, Rs.4000-6000 and Rs.4300-6000 respectively, we have no hesitation to hold that the High Court erred in directing fixation of such pay scales to drivers employed at the High Court in terms of Serial No. 8 of the Schedule II, fixing Selection Grade and Special Grade scales of pay of Rs. 5000-8000 and Rs. 5500-9000 respectively.

6. The appeals are therefore allowed partly, to the extent that the State Government is directed to fix the pay scale benefits available to the Respondents in the instant appeals in terms of Serial No.6 of Schedule II of the 1998 Rules under G.O.Ms.No. 162.

6. Following the above said judgment, this Writ Appeal is allowed and the respondents/drivers are entitled to Ordinary Scale of Pay at Rs. 3200-85-4900, Selection Grade Scale of Pay at Rs.4000-100-6000 and Special Grade Scale of Pay at Rs.4300-100-6000 only. No costs.

[V.B.S.,J.] [K.K.R.K.,J.]
23.02.2024

skn
NCC : Yes/No
Index : Yes / No
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