



W.A.(MD).Nos.1465 and 1466 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.A.(MD).Nos.1465 and 1466 of 2017
and
C.M.P.(MD).Nos.11427 and 11428 of 2017

W.A.(MD).No.1465 of 2017

1.The Director of Rural Development
and Panchayat Raj,
Chennai 600 015.

2.The District Collector,
Panchayat Development Wing,
Collectorate,
Karur District.

3.The District Treasury Officer,
Collectorate,
Karur.

4.The District Treasury Officer,
Collectorate,
Tiruchirapalli.

... Appellants

Vs.

D.Bane John

... Respondent



W.A.(MD).Nos.1465 and 1466 of 2017

Prayer: Writ Appal is filed under Clause 15 of Letters Patent, against the order of this Court in W.P.(MD).Nos.11283 of 2012, dated 30.10.2012.

For Appellants : Mr.M.Prakash
Additional Government Pleader
For Respondent : No appearance

W.A.(MD).No.1466 of 2017

1.The District Collector,
Panchayat Development Wing,
Collectorate,
Karur District.

2.The District Treasury Officer,
Collectorate,
Karur.

... Appellants

Vs.

K.Kochumi

... Respondent

Prayer: Writ Appal is filed under Clause 15 of Letters Patent, against the order of this Court in W.P.(MD).Nos.11410 of 2012, dated 30.10.2012.

For Appellants : Mr.M.Prakash
Additional Government Pleader
For Respondent : No appearance



W.A.(MD).Nos.1465 and 1466 of 2017

COMMON JUDGMENT

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

Since the issue involved in these writ appeals is one and the same, they have been taken up together and disposed of by this common judgment.

2. The State has filed these writ appeals against the orders of the learned single Judge passed in W.P.(MD).Nos.11283 and 11410 of 2012, dated 30.10.2012.

3. The above said writ petitions have been filed by the respondents for issuance of a Writ of Mandamus, directing the respondents to implement 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 these writ petitions, directing the respondents to re-fix the



W.A.(MD).Nos.1465 and 1466 of 2017

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 appeals have been filed by the State.

4. 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 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.



W.A.(MD).Nos.1465 and 1466 of 2017

WEB COPY

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

6. 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.



W.A.(MD).Nos.1465 and 1466 of 2017

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 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*



W.A.(MD).Nos.1465 and 1466 of 2017

*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.*

7. Following the above said judgment, these Writ Appeals are 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. Consequently, the connected Miscellaneous Petitions are closed.

[V.B.S.,J.] [K.K.R.K.,J.]
11.03.2024

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

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W.A.(MD).Nos.1465 and 1466 of 2017

V.BHAVANI SUBBAROYAN,J.

and

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akv

W.A.(MD).No.1465 and 1466 of 2017

11.03.2024