



W.A.(MD).No.895 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

and

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.A.(MD).No.895 of 2017

and

C.M.P.(MD).No.6023 of 2017

The Superintending Engineer,
TWAD Board,
Madurai, Theni and Dindigul Circle,
Ganesh Nagar,
Madurai -7.

... Appellant

Vs.

1.M.Rajendran
2.R.Natarajan
3.P.Muthaiah
4.C.Natarajan
5.M.Subramanian
6.P.Dharmarajan
7.A.Markandan
8.C.Bose
9.V.Kannan
10.S.K.Soundara Raj
11.N.Prabakaran
12.G.Shajahan

13.The State of Tamil Nadu
represented by its Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George,
Chennai -9.



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14. The Accountant General,
Theynampettai,
Chennai -18.
15. The Superintending Engineer,
Public Works Department (WRO),
Madurai Circle,
North Avenue Street,
Madurai -1.
16. The Divisional Engineer,
(Construction and Maintenance),
Highways Department,
Sivagangai 630 561.
17. The Assistant Executive Engineer,
Public Works Department,
Heavy Machinery Sub Division,
Chepauk,
Chennai -5.
18. The Executive Engineer,
Periyaru Improvement Plant,
Public Works Department,
Madurai Division No.7,
Madurai 625 002.
19. The Assistant Executive Engineer,
Building Maintenance,
Public Works Department,
Sub Division (North),
Madurai -2.
20. The Joint Director of Health,
Department of Health,
Sivagangai District,
Sivagangai 630 561.



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21.The Divisional Engineer,
Construction and Maintenance Division,
Highways Department,
Banagalaw Medu,
Theni 625 531.

22.The Divisional Engineer,
Nabard and Rural Roads,
Highways Department,
Palayamkottai,
Tirunelveli -2.

23.The Joint Director,
Health and Family Welfare Department,
Sivagangai.

24.The Deputy Director,
Public Health Department,
Sivagangai 630 561.

... Respondents

Prayer: Writ Appal is filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD).No.6540 of 2015, dated 23.04.2015.

For Appellant	: Mr.B.Vijay Karthikeyan Standing counsel for TWAD Board
For R1	: Mr.B.Balamurugan
For R2	: Mr.T.Ramanathan



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J U D G M E N T

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

The TWAD Board filed this writ appeal against the order of the learned single Judge passed in W.P.(MD).No.6540 of 2015, dated 23.04.2015.

2. The respondents 1 to 12 are the petitioners in the writ petition. The writ petition has been filed praying for a direction to the respondents to re-fix the scale of pay of the petitioners in accordance with Schedule II of Tamil Nadu Revised Scale of Pay Rules, 1998 and to pay difference in salary and the arrears of difference in pension with effect from 01.01.1996, based on such re-fixation. The learned single Judge of this Court disposed of the writ petition by directing the authority concerned to consider the petitioners' representation dated 13.03.2015 and 17.03.2015 and sanction the benefit to the petitioners within a period of three months from the date of receipt of a copy of that order. Challenging the same, the present writ appeal has been filed.

3. The learned Standing counsel appearing for the appellant relied on a decision of the Hon'ble Apex Court in Civil Appeal Nos.9533 to 9537 of



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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

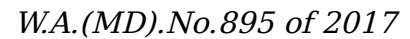
-85-4900, selection grade at Rs.4000-100-6000 and special grade scale of pay

at Rs.4300-100-6000 only.

4. Heard the learned Standing counsel appearing for the appellant/TWAD Board and the learned counsel appearing for the respondents 1 and 2 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)



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.*



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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 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.”



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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. Consequently, the connected Miscellaneous Petitions are closed.

[V.B.S.,J.] [K.K.R.K.,J.]
08.03.2024

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

To

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2. The Accountant General,
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