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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025
CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.Nos. 4040, 4046 & 4048 of 2024

And

W.M.P.Nos. 4364, 4367, 4372, 4379, 4380 & 4373 of 2024

C.Uma Ananthi	... Petitioner in W.P.No. 4040 of 2024
G.Anbumani	... Petitioner in W.P.No. 4046 of 2024
V.Govindaraju	... Petitioner in W.P.No. 4048 of 2024

..Vs..

1. The Additional Chief Secretary to Government
Finance (Pay Cell) Department
Fort St. George
Chennai – 09.
 2. The Director of Rural Development
and Panchayat Raj Department
Panagal Building,
Saidapet, Chennai – 15.
 3. The District Collector
Development Section
Krishnagiri District,
Krishnagiri.
- ... Respondents in all W.Ps.

PRAYER in W.P.No. 4040 of 2024: Petition under Article 226 of the



Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records of the first respondent in connection with the impugned order passed by him in G.O.Ms.No. 406, Finance (Pay Cell) Department, dated 12.11.2020 and the consequential order passed by the third respondent in Na.Ka.No. 32128/2020/B2 dated 28.12.2020 and to quash the same and further direct the respondents 1 to 3 to fix the scale of pay to the Assistant Engineers in Rural Development Department as per the scale of pay fixed in G.O.Ms.No. 451, Finance (Pay Cell) Department dated 31.12.2010.

PRAYER in W.P.No. 4046 of 2024: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records of the first respondent in connection with the impugned order passed by him in G.O.Ms.No. 406, Finance (Pay Cell) Department, dated 12.11.2020 and the consequential order passed by the third respondent in Na.Ka.No. 32128/2020/B2 dated 28.12.2020 and to quash the same and further direct the respondents 1 to 3 to fix the scale of pay to the Assistant Engineers in Rural Development Department as per the scale of pay fixed in G.O.Ms.No. 451, Finance (Pay Cell) Department dated 31.12.2010.

PRAYER in W.P.No. 4048 of 2024: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records of the first respondent in connection with the impugned order passed by him in G.O.Ms.No. 406, Finance (Pay Cell) Department, dated 12.11.2020 and the consequential order passed by the



third respondent in Na.Ka.No. 32128/2020/B2 dated 28.12.2020 and to quash the same and further direct the respondents 1 to 3 to fix the scale of pay to the Assistant Engineers in Rural Development Department as per the scale of pay fixed in G.O.Ms.No. 451, Finance (Pay Cell) Department dated 31.12.2010.

For Petitioner in
all W.Ps.

:: Mr. S.Sivakumar

For Respondents in
all W.Ps.

:: Mrs. CNG. Niraimathi
Special Government Pleader

COMMON ORDER

The Writ Petitions have been filed in the nature of a Certiorarified Mandamus seeking records relating to an order in G.O.Ms.No. 406, Finance (Pay Cell) Department, dated 12.11.2020 and the consequential orders dated 28.12.2020 and quash the same and further direct refixation of the pay of the Assistant Engineers in Rural Development Department in accordance with the scale of pay as fixed in G.O.Ms.No. 451, Finance (Pay Cell) Department dated 31.12.2010.

2. The writ petitioners, are working as Assistant Engineer, Assistant



Executive Engineers and Executive Engineers working in various Departments within the State of Tamilnadu.

3. It had been contended that questioning that G.O.Ms.No. 402 dated 12.11.2020 several other Assistant Engineers similarly placed like the petitioners had filed W.P.(MD).Nos. 17163 of 2020 batch and a learned Single Judge of this Court had directed that the Government Order should be set aside and that the entire exercise must be reworked. In this connection a Separate Committee had been formed to re-examine and redetermine the pay structure of Assistant Engineers similarly placed like the writ petitioners herein.

4. The learned counsel for the petitioners placed reliance on the said order of the learned Single Judge in the Madurai Bench and stated that the petitioners are also entitled for similar relief.

5. On the side of the respondents, it had been confirmed that the order of the learned Single Judge would also accrue to the petitioners. However, it



is also contended that a Writ Appeal had been filed but stay had not been granted and notice alone had been issued.

6. Without entering into any further discussion, since matters are also technically under consideration of the Division Bench, let me restrict myself to extracting only the operative portion of the order of the learned Single Judge which relief shall accrue to the petitioners herein. The relevant portions are as follows:-

“83. The upshot of the above discussions leads to the following conclusions and directions issued by this Court :

(i) The report of the PGRC 2019 and the consequential impugned Government Orders issued are hereby set aside;

(ii) The Government shall constitute a new PGRC under the Hon'ble Mr. Justice M. Sathyanarayanan, formerly Judge of High Court, Madras, who shall be the Chairman of the new PGRC;



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(iii) *The Chairman of the new PGRC is at liberty to co-opt two experts as he deems appropriate as Members of the new PGRC and it will be more appropriate to co-opt members, who had experience on the financial side and also on the engineering side;*

(iv) *The Government is at liberty to nominate one or two senior level IAS officer(s) at the level of Principal Secretary, serving or retired as Member(s) of the new PGRC;*

(v) *The remuneration for the Chairman of the new PGRC shall be fixed at Rs.3.5 lakhs per month and the remuneration of the two Members to be coopted shall be fixed at Rs.2 lakhs each per month;*

(vi) *It is left open to the Government to fix the remuneration of the Member(s) of the Committee to be nominated by the Government, if he/she is/they are retired IAS Officer(s);*

(vii) *The Government is directed to constitute the new PGRC within a period of four weeks from the date of receipt of a copy of this order and the Government shall grant six months' time for the new PGRC to submit its*



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recommendations regarding the enhancement/reduction of the pay scales/ grade pay of 52 or more categories of 20 or more departments, etc.;

(viii) The terms of reference of the new PGRC shall also be to examine the recommendations of the Seventh Central Pay Commission on the scales of pay and other allowances and make necessary recommendations in consequence of the recommendations to be made as per Clause (vii);

(ix) While making the recommendations on the scales of pay/ grade pay, the new PGRC shall take into account the historical parity, local conditions, qualifications, the nature of duties, the job responsibilities attached to the post and the local relativities. This shall also include the revision of pension, family pension, retirement benefits, etc., and the new PGRC shall make necessary recommendations;

(x) In view of the direction issued by this Court for constitution of the new PGRC, the present status quo shall be maintained until a fresh decision is taken by the Government based on the recommendations to be given by the new PGRC; ”

7. The same order shall accrue to the petitioners herein. The



Government Order is set aside and status quo however is maintained to the position prior to the passing of G.O.Ms.No. 406 dated 12.11.2020. With respect to the repayment of amounts recovered, the petitioners are permitted to give separate representation and the same should be examined and orders passed within a period of four weeks from the date of receipt of such representation. The scale of pay of the petitioners must be restored to the status as existed prior to the passing of G.O.Ms.No. 406 dated 12.11.2020.

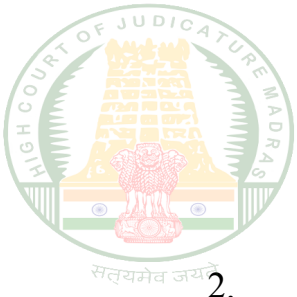
8. The Writ Petitions stand disposed of. Consequently, connected Miscellaneous Petitions stand closed. No order as to costs.

20.02.2025

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Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order

To

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Chennai – 09.



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