

W.P.No.6892 of 2012

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

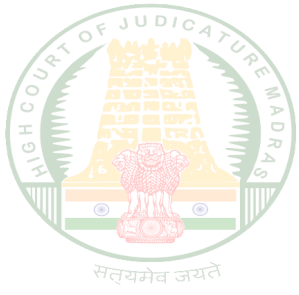
DATED: 10.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

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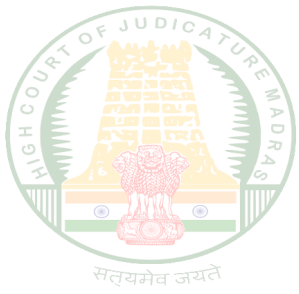
- 1.V.Dhanachandran
- 2.K.B.Thaiyub Mohamed
- 3.J.Sridharan
- 4.G.Rajeswari
- 5.N.Elangovan
- 6.V.P.Raghu
- 7.S.Joseph Ambrose
- 8.MD.Abdul Raqeeb
- 9.E.Ravi
- 10.A.Mary Rani
- 11.T.Ramani Bai
- 12.N.P.Parameswari
- 13.V.Rukumani
- 14.P.Gokulamaran
- 15.R.Selvam
- 16.D.Raja
- 17.J.Sujatha
- 18.V.Sreelatha
- 19.K.Babu
- 20.A.Lalitha
- 21.R.Sivaji
- 22.S.Arumugam
- 23.S.Devarajulu
- 24.R.Vijayalakshmi
- 25.J.Jayanthi
- 26.K.S.Seetharaman



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- 27.K.Mani
- 28.K.Amarendran
- 29.A.Palani Meenakshi
- 30.P.Letchumanan
- 31.S.Jayalakshmi
- 32.T.Dhanalakshmi
- 33.I.Solaiammal
- 34.T.Chelladurai
- 35.C.Pandi
- 36.P.Sivakannu
- 37.V.Janaki
- 38.G.Selvakumar
- 39.R.Vembaiyan
- 40.M.Subbaiyan
- 41.R.Paramasivam
- 42.R.Muniyandi
- 43.M.Kandasamy
- 44.R.Chandrakumari
- 45.M.Srinivasan
- 46.Indra Rajasekar
- 47.T.Balaganesan
- 48.G.Arivuchelvan
- 49.K.Balakrishnan
- 50.B.Gunavathi
- 51.P.Selvaraju
- 52.E.Nirmala
- 53.P.Vijayalakshmi
- 54.V.Loganthan
- 55.D.Jeyanthi
- 56.A.Alamelu
- 57.M.Hariharan
- 58.P.Somasundaram
- 59.L.Saraswathi
- 60.C.Gopi
- 61.A.Xavier



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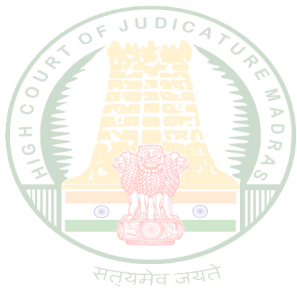
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62.R.Veerakumar
63.K.Shunmugam
64.K.Jayaraman
65.N.Kodeeswaran
66.P.Vachiravelu
67.K.Venkatesan
68.N.Manjula Devi
69.A.Ravi
70.K.Chidambaram
71.C.Rajendran
72.L.Krishnaraju
73.K.Radha
74.P.Parimala
75.T.J.Bavanandam
76.R.Manjula Devi
77.R.Emperuman
78.M.Narasaiyan
79.G.Ramesh Kumar
80.E.G.Krishnamoorthy
81.R.Ponmani
82.G.Ragupathy
83.K.Balakrishnan
84.Ahmed Ali
85.S.Ponnusamy

... Petitioners

Vs.

1.The Government of Tamil Nadu
Represented by its Secretary to the Government,
Finance (Pay Cell) Department,
Fort St.George, Chennai - 600 009.



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2.The Secretary to Government,
Home (Police) Department,
Fort St.George, Chennai - 600 009.

3.The Director,
Forensic Sciences Department,
Chennai - 600 004.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in Letter No.73691/Pol.18/2011-3 dated 15.02.2012 and the order of the first respondent in G.O.Ms.No.68, Finance (CMPC) Department, dated 21.02.2007 and quash the said orders with regard to granting monetary benefit of the revision of pay scale with effect from 21.02.2007 and direct the respondents to grant the said monetary benefit from 01.09.1998 as done in all other categories of employees and grant all consequential benefits to the petitioners.

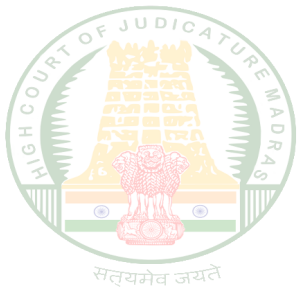
For Petitioners : Mr.P.Manoj Kumar

For Respondents : Mr.Azizullah Khan

Government Advocate

ORDER

This writ petition has been filed seeking a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the

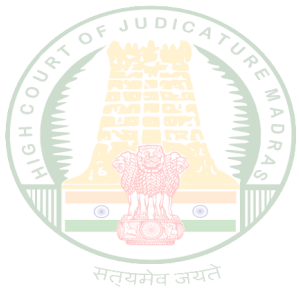


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second respondent in Letter No.73691/Pol.18/2011-3 dated 15.02.2012

and the order of the first respondent in G.O.Ms.No.68, Finance (CMPC) Department, dated 21.02.2007 and quash the said orders with regard to granting monetary benefit of the revision of pay scale with effect from 21.02.2007 only and sought for a consequential direction to the respondents to grant the said monetary benefit with effect from 01.09.1998 and to grant all consequential benefits to the petitioners.

2. All the petitioners herein are working as Junior Laboratory Attender, Senior Laboratory Attender and Technician (Laboratory) in Forensic Science Department of the respondent State. Whiles, revision of pay scales have been recommended by the pay revision commission and accordingly, the said recommendations were accepted by the Government in G.O.Ms.No.162, Finance (PC) Department, dated 13.04.1998. However, the Tamil Nadu Forensic Department Technician and Laboratory Staff Association and Forensic Scientists and Technical Staff Association have made a request for revision of scales of pay for the post of Junior Laboratory Attender, Senior Laboratory Attender etc.



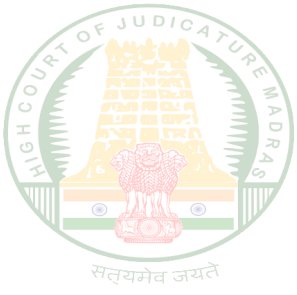
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and in view of the same, a One Man Commission was constituted by the Government under G.O. Ms.No.170, Finance (PC), Department, dated 21.04.1998.

2.1. Accordingly, the One Man Commission submitted its report recommending for merger of the post of Junior Laboratory Attender and Senior Laboratory Attender and suggesting to re-designate both the posts on merger as Laboratory Assistant and proposing a revised pay scale of Rs.3,050 – 4,590 and also suggested for revision of pay scale of the Technician (Laboratory) as Rs.4,000 – 6,000 from Rs.3,050 – 4,590.

2.2. The said recommendation of the One Man Commission was accepted by the Government by issuing G.O. Ms.No.68, Finance (CMPC) Department, dated 21.02.2007. However, the notional fixation of the revised pay scale was given with effect from 01.01.1996 with monetary benefit from the date of issuance of the said G.O. i.e. with effect from 21.02.2007.



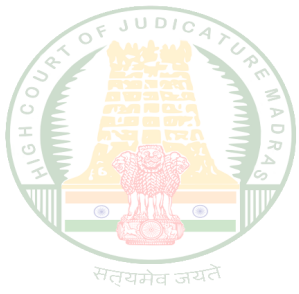
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2.3. It is aggrieved by the said Government Order insofar as allowing the monetary benefit only with effect from 21.02.2007, the petitioners herein, who are working as Laboratory Assistant and Technician (Laboratory) have made a claim before the Government by submitting various representations. However, all such representations were rejected by the respondents by issuing letter No.73691/Pol.18/2011-3, dated 15.02.2012.

2.4. It is aggrieved by the said letter dated 15.02.2012 and G.O.Ms.No.68, Finance (CMPC) Department, dated 21.02.2007 to the extent of allowing the monetary benefit only from 21.02.2007 the petitioners approached this Court by filing this writ petition.

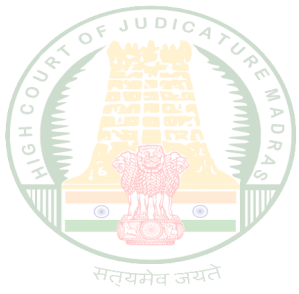
3. Heard Mr.P.Manoj Kumar, learned counsel appearing for the petitioners and Mr.Azizullah Khan, learned Government Advocate appearing for the respondents.



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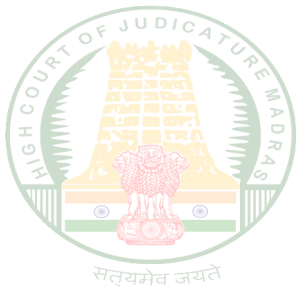
4. The learned counsel for the petitioners contended that the petitioners herein, who were initially working as Junior Laboratory Attender, Senior Laboratory Attender and Technician (Laboratory), are entitled for revision of the pay scales on par with all other employees of the Forensic Science Department. But in view of certain defects or omission in the Pay Revision Commission's report, their respective association have made a request for revision of pay scales for the post of Junior Laboratory Attender, Senior Laboratory Attender and Technician (Laboratory) and accordingly, One Man Commission was appointed and the said Commission accordingly submitted his recommendations as early as in the year 1998. However, the respondent State instead of acting upon the said recommendations either positively or otherwise, took about a decade time and then accepted the said recommendations and issued G.O. Ms.No.68, Finance (CMPC) Department, dated 21.02.2007 revising the pay of the petitioners by accepting the recommendations of the One Man Commission. It is further submitted that all other employees, who are benefited by the revision of pay scales issued vide G.O.Ms.No.162,



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Finance (PC) Department, dated 13.04.1998, were given monetary benefits with effect from 01.09.1998 and whereas the petitioners herein are deprived of the similar benefit and they are discriminated by granting the monetary benefit only with effect from 21.02.2007.

5. On the other hand, the learned Government Advocate submitted that the delay in accepting the recommendations of the One Man Commission and issuing G.O.Ms.No.68, Finance (CMPC) Department, dated 21.02.2007 is only because of the recommendation made by the One Man Commission for merger of the post of Junior Laboratory Attender and Senior Laboratory Attender and in view of the cumbersome procedure involved in taking the decision for merger of both post, therefore delay occurred and finally orders were issued on 21.02.2007. He also further submitted that all other categories of the employees, who are benefited under the revised pay scales with effect from G.O. Ms.No.162, Finance (PC) Department, dated 13.04.1998 are all granted monetary benefit with prospective effect from 01.09.1998 i.e. only from the date after issuance of G.O. The learned Government



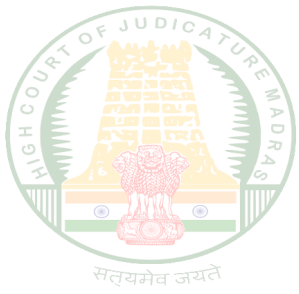
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Advocate also contended that the petitioners have approached this Court belatedly as the impugned Government Order was issued as early as on 21.02.2007 and whereas the present writ petition has been filed in the year 2012.

6. This Court has carefully considered the submission made by the learned counsel for the petitioner and the learned Government Advocate and perused the entire materials on record.

7. The objection raised by the learned Government Advocate on the ground of delay in approaching this Court is liable to be rejected for the simple reason that admittedly, immediately after issuance of G.O. Ms.No.68, Finance (CMPC) Department, dated 21.02.2007, the petitioners have submitted the representations before the Government requesting for granting the monetary benefits with effect from 01.09.1998 and the same was admitted by the respondent in their counter affidavit which reads as under :



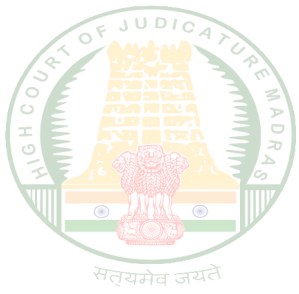
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"5. Regarding the averments made in para -6 of the affidavit, it is submitted that, it is true that the Forensic Sciences Department Technicians & Laboratory Assistants Welfare Association, Chennai - 4 had submitted several memorandum to the Government dated 05.01.2008, 17.07.2008, 13.08.2008, 15.11.2009, 21.01.2010 and 23.09.2011 with a copy marked to the Director, Forensic Sciences Department and requested the Government to sanction monetary benefit from 01.09.1998 as done in other cases instead of 21.02.2007 which is the policy decision of the Government."

It is only on considering the representations referred to in para 5 of the counter affidavit, the respondent State issued a letter dated 15.02.2012 rejecting their claim and immediately thereafter, the petitioners have approached this Court by filing the present writ petition. Hence, the objections on the ground of delay and laches cannot be sustained.

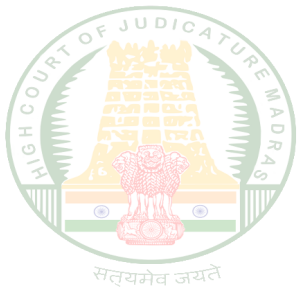
8. Then coming to the claim of the petitioners for grant of monetary benefit with effect from 01.09.1998 on par with all other employees are concerned, in the considered view of the Court, the claim



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The petitioners herein, who were working as Junior Laboratory Attender and Senior Laboratory Attender, have made a request for revision of their pay scale in the light of certain omissions in the Pay Revision Commission's report, which was accepted by the Government by issuing G.O. Ms.No.162, Finance (PC) Department, dated 13.04.1998. Considering the requests of the petitioners a One Man Commission (OMC) was constituted in G.O. Ms.No.170, Finance (PC), Department, dated 21.04.1998. Had the Pay Revision Commission recommended for fixation of revised pay scales corresponding to the pre-revised scale drawn by the respective posts, there would not have been any necessity to appoint One Man Commission and the petitioners would have got the benefit of revised pay scale on par with all other employees with effect from 01.01.1996 and with monetary benefit from 01.09.1998. The One Man Commission having examined the claim of the petitioners recommended for the common revised pay scales for the posts of Junior Laboratory Attender and Senior Laboratory Attender by merger of both

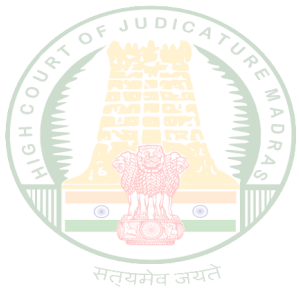


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the posts and to re-designate the same as Laboratory Assistant. The petitioners herein cannot be made responsible for such recommendations. The respondent State also readily accepted such recommendations, however, belatedly on 21.02.2007. It is but for the recommendation of the One Man Commission for the merger of the post, the petitioners would have got the revised pay scales on par with all other employees of the Forensic Science Department with effect from 01.01.1996 with monetary benefit from 01.09.1998. But it is only in view of the merger of the post suggested by the One Man Commission, it took considerable time to accept the said recommendation and the petitioners are sought to be deprived of their entitlement for monetary benefit with effect from 01.09.1998, for no fault of petitioners.

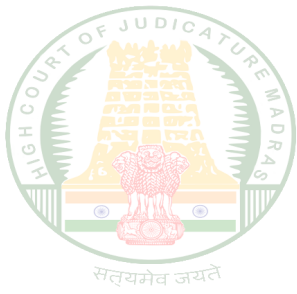
9. In the considered view of this Court, the petitioners cannot be deprived of their legal entitlement without their being any fault on the part of the petitioners and they cannot be discriminated against for the delay caused by the respondent State in accepting the recommendations of the One Man Commission. The action of the respondent is also not



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WEB COPY justified for the simple reason that in case of the Technician (Laboratory) the One Man Commission has recommended for revised pay scale and no issue of merger is involved in respect of the said post. But even for the post of the Technician (Laboratory) also, the respondents have taken about a decades time for accepting the recommendation of the One Man Commission and they were also allowed the monetary benefit only with effect from 21.02.2007 as against the legitimate entitlement with effect from 01.09.1998.

10. In the light of the above, the impugned Government Order issued in G.O. Ms.No.68, Finance (CMPC) Department, dated 21.02.2007 restricting the monetary benefit only with effect from 21.02.2007 instead of 01.09.1998 is liable to be declared as illegal, arbitrary and violative of Article 14 and 16 of Constitution of India. Consequently the impugned proceedings dated 15.02.2012 is liable to be quashed, to the said extent.



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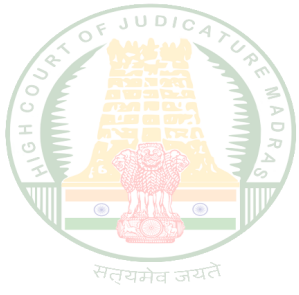
11. Accordingly, the impugned Government Order in G.O. Ms.No.68, Finance (CMPC) Department, dated 21.02.2007 is quashed to the extent indicated above and the impugned letter dated 15.02.2012 is also quashed. Consequently the respondents are directed to pay the entire arrears of monetary benefit with effect from 01.09.1998 till 21.02.2007 as expeditiously as possible, at any rate, within a period of three (3) months from the date of receipt of a copy of this order.

12. In the result, this Writ Petition is allowed. No costs.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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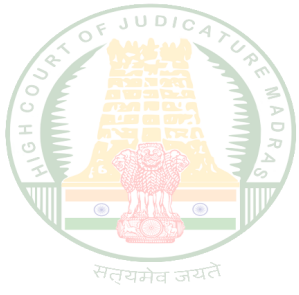
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To

1.The Government of Tamil Nadu
Represented by its Secretary to the Government,
Finance (Pay Cell) Department,
Fort St.George, Chennai - 600 009.

2.The Secretary to Government,
Home (Police) Department,
Fort St.George, Chennai - 600 009.

3.The Director,
Forensic Sciences Department,
Chennai - 600 004.



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MUMMINENI SUDHEER KUMAR, J.

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