



W.P.No.1769 of 2014

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.1769 of 2014

1.K.Srinivasan
2.G.Subramani
3.C.Paranthamiah
4.A.Meganathan

... Petitioners

Vs.

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai – 600 008.

2.The Secretary,
Housing and Urban Development Department,
Secretariat, Chennai – 600 009.

3.The Secretary,
Finance (Pay Cell) Department,
Secretariat, Chennai – 600 009.

... Respondents



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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 culminating in the impugned Note No.E3/13177/ 2013 dated 04.09.2013 and quash the same and direct the respondents to fix the pay of the petitioners notionally in the post of Selection Grade Typist with effect from 01.01.2006 in the revised Scale of Pay of Rs.9300-34800 + 4200 Grade Pay with monetary effect from 01.01.2007 and with normal annual increments up to 2007, the date of appointment as Junior Assistant by transfer of service so as to ensure that their pay on re-fixation in the Grade of Selection Grade Typist, consequent on the pay revision by the pay commission is protected on their appointment as Junior Assistant by transfer of service.

For Petitioners : Mr.S.Namasivayam
For R1 : Ms.P.Veena Suresh
For R2 : Mr.K.H.Ravikumar
Government Advocate
For R3 : Mr.Azizullah Khan
Government Advocate

ORDER

This writ petition is filed seeking a Writ of Certiorarified Mandamus to call for the records culminating in the impugned Note No.E3/13177/ 2013 dated 04.09.2013 and quash the same and direct the respondents to fix the pay of the petitioners notionally in the post of Selection Grade Typist with effect from 01.01.2006 in the revised Scale of Pay of Rs.9300-34800 + 4200 Grade Pay with monetary effect from



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01.01.2007 and with normal annual increments up to 2007, the date of appointment of the petitioner as Junior Assistant by transfer of service, so as to ensure that their pay on re-fixation in the Grade of Selection Grade Typist etc.

2. All the petitioners herein are appointed as a Typist in the first respondent authority during the year 1988 - 1990 with pay scale of Rs.975 - 25- 1150 - 30 - 1660. After completion of ten years of service in the post of Typist, they were granted Selection Grade scale of Rs.1,260 + 10PP + 54PP in the then scale of pay of Rs.1,200 - 30 - 1,560 - 40 - 2,040 besides their regular annual increments. While so, all the petitioners herein were appointed by transfer of service as Junior Assistant from the category of Typist and were posted to the regularization division in the respondents authority during the year 2007 i.e. after 01.01.2007. It was thereafter, the Government issued orders in G.O.No.234, Finance (PC) Department, dated 01.06.2009 revising the pay scales of the employees with effect from 01.01.2006 with monetary benefit from 01.01.2007 and the said revised pay scale was adopted by



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WEB COPY the respondents authority through proceedings No.E1/10721/2009 dated 14.06.2011. By virtue of the said revision of pay scales, the pay scale for the post of Typist in the respondents authority was revised to Rs.5,200 - 20,200 + 2,400 grade pay.

3. Accordingly, the first respondent authority through his proceedings No.E1/10721/2009 dated 20.07.2011 revised the pay scale for the post of Selection Grade Typist to Rs.9,300 - 34,800 + 4,200 grade pay and confined the same to the employees, who were awarded Selection Grade prior to 01.01.2006. Hence, all the petitioners herein who got the Selection Grade in the post of Typist during the years 1998 - 2000 i.e. prior to 01.01.2006, made a claim for revision of their Selection Grade scale of pay in the post of Typist with effect from 01.01.2006 and for monetary benefit from 01.01.2007 in terms of the orders issued in G.O.No.234, Finance (PC) Department, dated 01.06.2009. The said request of the petitioners was refuted by the respondents by passing the impugned order by placing reliance on the clarification issued by the Government. It is aggrieved by the said orders dated 04.09.2013, the

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4. Heard Mr.S.Namasivayam, learned counsel for the petitioners, Ms.P.Veena Suresh, learned counsel for the first respondent, Mr.K.H.Ravikumar, learned Government Advocate for the second respondent and Mr.Azizullah Khan, learned Government Advocate for the third respondent.

5. The respondents, by filing counter affidavit, placed reliance on clarification issued by the Government vide Letter No.63305/Pay Cell/2010-1 dated 08.11.2010 and contended that in view of the subsequent appointment of the petitioners to the post of Junior Assistant by way of transfer of service even before the issuance of G.O. Ms. No.234, Finance (Pay Cell) Department, dated 01.06.2009, they are not entitled for revision of their pay in the post of Selection Grade Typist and placed reliance on Paragraph No.4 of the said clarificatory letter dated 08.11.2010, which reads as under :



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"4) The above issue has been examined by Government in detail in the light of the orders issued in para-4 of Government Order second cited and the consequential revision made to the various categories in the Ordinary Grade scales of pay based on the One Man Commission recommendations and subsequent Government Orders. Accordingly, I am directed to issue the following guidelines for fixation of pay in the revised Selection Grade / Special Grade posts :

- i. The revised Selection Grade / Special Grade scales of pay in the case of employees awarded Selection Grade / Special Grade prior to 01.01.2006 and in whose cases the Ordinary Grade Scales of pay have been revised based on the recommendations of One Man Commission / further order of Government thereon shall be fixed as per the scales of pay indicated in the Annexure -I to this letter following the same methodology of fixation of pay in the Selection Grade / Special Grade scales of pay of employees as was done in pre-2006 scales of pay as indicated in Appendix -II of G.O.Ms.No.162, Finance (PC) Department, dated 13.04.1998 subject to the same condition stipulated therein that if the revised Selection Grade / Special Grade scales of pay indicated in the*



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Annexure -I happens to be higher than the first level / second level promotion posts, then in such cases only the revised Selection Grade / Special Grade scales of pay should be restricted to the level of their first level and second level promotional posts respectively.

- ii. The above revised Selection Grade / Special Grade scales of pay indicated in the Annexure -I to this letter shall be confined only to the employees who were awarded Selection Grade / Special Grade prior to 01.01.2006 and in the case of employees who have exercised their option to come over to the revised scales of pay on the date of their award of Selection Grade / Special Grade between 01.01.2006 and 31.05.2009, (prior to the issue of G.O. Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009).*
- iii. The revised Selection Grade / Special Grade scales of pay indicated in Annexure -I to this letter is admissible only in cases where the scales of pay of the Ordinary Grade posts were revised based on the recommendations of the One Man Commission and subsequent Government Orders.*
- iv. The above revised Selection Grade / Special Grade scales of pay is not applicable to the employees moving*



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to Selection Grade / Special Grade posts on or after 01.06.2009 since these employees are awarded Selection Grade / Special Grade directly in the revised scales of pay and therefore entitled for one increment benefit equal to 3% of basic pay plus grade pay on the date of award of Selection Grade / Special Grade as ordered in para – 4 of G.O.Ms.No.234, Finance (PC) Department, dated 01.06.2009.

5) The Heads of Department / Pay fixing authorities concerned while re-fixing the pay of the employees are directed to ensure that in case if the Selection Grade / Special Grade scales of pay indicated in the Annexure -I to this letter is more than the first level and second level promotion posts, then in such cases their Selection Grade / Special Grade scales of pay should be restricted to the level of their first level and second level promotion posts only. Necessary illustrations are also appended in Annexure -II to this letter for adoption and compliance scrupulously.

6. In this connection, it is necessary to take into consideration the note appended to Annexure - I of the said clarificatory letter, which reads as under :



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*"Note : The above Selection Grade / Special Grade scales of pay indicated above takes notional effect from 01.01.2006 with monetary benefit from 01.01.2007 and is **applicable only to employees awarded Selection Grade / Special Grade prior to 01.01.2006 and employees who have opted for revised scale of pay on a subsequent date after 01.01.2006 i.e. on date of Selection Grade / Special Grade and in whose cases their Ordinary Grade scales of pay have been revised further based on the recommendations of One Man Commission / further Government orders.**"*

7. From the perusal of the above note, it is clear that the revised Selection Grade and Special Grade scales of pay indicated in Annexure -I takes notional effect from 01.01.2006 with monetary benefit from 01.01.2007 and it is applicable only to the employees who were awarded Selection Grade, Special Grade prior to 01.01.2006. All the petitioners herein are admittedly awarded Selection Grade much prior to 01.01.2006. The only ground on which the petitioners were deprived of the benefit of revised Selection Grade pay is that they seized to be Typist from the year 2007 onwards, and it is only in case of the continuing in the post of the Typist, they are entitled for such Selection Grade pay.



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8. This Court is enable to agree with such contentions for the simple reason that the revised pay scales are given retrospective effect from 01.01.2006 and admittedly, all the petitioners herein were working as a Typist as on 01.01.2006 and continued in the said post till the year 2007. Whatever the Selection Grade that was awarded to the petitioners in the post of Typist was taking into consideration, the service that was already rendered by the petitioners prior to award on such Selection Grade. All the petitioners herein were awarded Selection Grade in the post of Typist during the years 1998 – 2000. The subsequent movement of the petitioners from the post of Typist to the post of Junior Assistant by appointment of transfer, absolutely has no relevance for giving effect to the revision of pay of scale introduced under G.O. Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009. Whatever the benefit i.e. being claimed by the petitioners is for the service that was already rendered by the petitioners prior to 01.01.2006 till their appointment to the post of Junior Assistant in the respondents authority. In case the petitioners pay is revised by extending the benefit of revised Selection Grade in the post of Typist, consequently pay of the petitioners in the



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WEB COPY post of Junior Assistant can be fixed accordingly.

9. In the light of the above, this Court has thoroughly convinced that the petitioners are entitled for award of the revised Selection Grade in terms of G.O. Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009.

10. Accordingly, the impugned order is quashed and the Writ Petition is allowed, directing the respondents to extend the benefit of revised Selection Grade pay to the petitioners as on 01.01.2006 with monetary benefit from 01.01.2007 and also to re-fix the pay of the petitioners in the post of Junior Assistant etc. and pass appropriate orders in this regard as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this order. No costs.

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

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To

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MUMMINENI SUDHEER KUMAR, J.

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