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W.P.No. 25729 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No. 25729 of 2019

and W.M.P.No.25196 of 2019

K.Dhanasekaran

.. Petitioner

vs

1.The Secretary to Government,
Public Works Department,
Fort St.George,
Chennai – 600 009.

2.The Secretary to Government,
Finance Department,
Fort St.George, Chennai – 600 009.

3.The Chief Engineer, (Buildings) (General)
Public Works Department,
Chepauk, Chennai 600 005.

4.The Chief Engineer,
Public Works Department,
Designs Research and Constructing Support,
Chepauk, Chennai 600 005.

5.The Superintendent Engineer,
Public Works Department,
Institute of Hydraulics and Hydrology
Pondy 602 023.

6. The Accountant General, (A & E)
Tamilnadu,



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No.361, Anna Salai,
Chennai – 600 018.

7. The Executive Engineer, (Hydraulics)
WRO, Public Works Department,
Institute of Hydraulics and Hydrology
Pondy 602 023.

... Respondents

Prayer: Writ Petition is 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 order of the 5th respondent, letter No.E1/08/2019 dated 10.01.2019 and quash the same and consequently direct the 3rd respondent to implement the Revised pay scale Rs.4,400/- as per order of the 7th respondent in order No.E1/237/2014 dated 23.02.2015 within the stipulated period that may be fixed by this Court.

For Petitioner : Mr.N.Poovanalingam

For Respondents : Mrs.V.Yamunadevi for R1 to R5, R7
Special Government Pleader
Mr.V.Vijayshankar for R6

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the materials available on record.

2. The case of the petitioner in brief is that he was working as a Time Keeper and Skilled Assistant Grade-II and had retired from service on



31.12.2011; that the post of Time Keeper is not a feeder post, and as there are no promotional avenues, he is entitled for being granted Grade Pay of Rs.4,400/- which has not been considered by the respondents.

3. It is the further case of the petitioner that when he had approached the 6th respondent by submitting a representation dated 28.05.2018 and as the said respondent did not consider the same, he had approached this Court by filing W.P.No.31457 of 2018 and this Court vide order dated 29.11.2018 directed the 6th respondent to consider and pass orders on the representation of the petitioner dated 28.05.2018 in the light of the letter of the seventh respondent, within a period of two weeks from the date of receipt of a copy of the order.

4. It is further contended that the 6th respondent, vide letter dated 27.02.2019, informed the petitioner that his claim for grade pay cannot be acceded to; and that in the meanwhile, the 5th respondent rejected his claim vide the impugned order dated 10.01.2019 by referring to the letter of the 6th respondent in Letter No..P.15/4/11519515/ADK/325/No dated 01.03.2018, in which, it has been held that for the post of Time Keeper, the grade pay of Rs.4,400/- cannot be fixed, which is factually incorrect.



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5. The petitioner further contended that the fact of post of Time Keeper is not a feeder post for any higher post, and there are no higher post, as would be evident from the subsequent action of the 3rd respondent vide letter dated 21.03.2024 and also the letter of the Joint Secretary, Public Works Department dated 27.03.2024 addressed to the President of Tamil Nadu Pensioner's Association.

6. The petitioner further contended that since, the respondents have admitted the fact that the post of Time Keeper is not a feeder post and has no promotional avenues, the petitioner is entitled to be granted Grade Pay of Rs.4,400/- which has been illegally declined.

7. The respondents No.6 and 7 have filed a separate counter affidavit.

8. The 6th respondent in its counter affidavit stated as under:

“10. It is submitted that the petitioner's post was Time Keeper grade II (i.e.,) Skilled Assistant Grade II and the first level promotion post is Skilled Assistant Grade I and the second level promotion post is Special Artisan. Therefore for the petitioner's



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post of Skilled Assistant Grade II, there are first level and second level promotional posts and obviously his Selection Grade pay of 4200 has to be restricted to first level promotional post grade pay of Rs.2600 and special grade skilled assistant grade II has to be restricted to 2800 grade pay.”

9. The 7th respondent by the counter affidavit, however, without answering the issue as to whether the post of Time Keeper has promotional avenue or not, had claimed that the Time Keeper post is not a skilled post and as such, the petitioner has been granted selection grade on 01.01.2006. The 7th respondent further contended that the petitioner having retired from service on 31.12.2011 has approached this Court by filing the present writ petition with an inordinate delay of almost 8 years and thus, the writ petition is liable to be dismissed.

10. I have taken note of the respective contentions urged.

11. While it is the specific case of the petitioner that there are no promotional avenues in the post of Time Keeper, the 6th respondent by the counter affidavit claimed that the said post is having promotional avenues to the



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post of Skilled Assistant Grade-I and first level promotion and second level promotion as 'Special Artist', and as such the petitioner is not entitled for being granted Grade pay of Rs.4,400/- by considering the post of Time Keeper as non-promotional post.

12. However, the letters dated 20.03.2024 and 27.03.2024 which are now placed on record, clearly indicates that the post of Time Keeper is considered to be a non-promotional post. Thus, when the Government servant working as "Time Keeper" is granted selection grade, his pay is to be fixed in the pay scale of the selection grade which is Rs.9300-34800 + Grade Salary Rs.4200 as per the letter No.63305/Pay Commission/2010-1 dated 08.11.2010 issued pursuant to the One Man Commission appointed by the Government.

13. Further, the respondents 1 to 5 and 7, having admitted to the fact that the post of "Time Keeper" does not have promotional avenues, the stand taken by the 6th respondent in the counter affidavit cannot be accepted as correct position. Hence, the counter affidavit filed by the 6th respondent is rejected. Consequently, the impugned order issued by the 5th respondent dated 10.01.2019, relying on the communication of the 6th respondent dated 01.03.2018 cannot be sustained.



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14. Accordingly, this writ petition is allowed and the impugned order passed by the 5th respondent dated 10.01.2019 is set aside. The respondents are directed to grant grade pay, to which, the petitioner is entitled to by considering the post of 'Time Keeper' as non-promotional post by re-working the pension payable to the petitioner within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petition is closed.

02.12.2025

msv

Index: Yes/No

Internet: Yes/No

Speaking order: Non-speaking order

Neutral Citation: Yes/No

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