



W.P. No. 26124 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 26124 of 2018

1.K.Ravichandran
2.K.Madhayan

... Petitioners

-VS-

1. The Principal Secretary to Government
Department of Higher Education
Fort St. George
Chennai-600009.

2. The Director
Department of Collegiate Education
IX Floor, EVK Sampath Buildings
College Road, Chennai-600006.

3. The Principal
Government Arts College
Coimbatore.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in Ref. Na.Ka. No.9652/P2/2018 dated 27.04.2018 and quash the same and consequently directing the respondents herein to revise the pay scale of the petitioners from Rs.5200-20200+1900 to Rs.9300-34800+4200 notionally with effect from 01.01.2006 for the purpose of fixation of pay and from 01.08.2010 with monetary benefits based on the G.O.Ms.No.271 Finance (Pay Cell) Department dated 26.08.2010.



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For Petitioners : Mr.N.Kumarasamy
for Mr.S.Gunalan

For Respondents : Mr.S.Arumugam, GA

ORDER

This writ petition has been filed challenging the order in Ref. Na.Ka. No.9652/P2/2018 dated 27.04.2018 of the for the second respondent and consequently directing the respondents herein to revise the pay scale of the petitioners from Rs.5200-20200+1900 to Rs.9300-34800+4200 notionally with effect from 01.01.2006 for the purpose of fixation of pay and from 01.08.2010 with monetary benefits as per the Government Order in G.O.Ms.No.271 Finance (Pay Cell) Department dated 26.08.2010.

2. Heard Mr.N.Kumarasamy, representing Mr.S.Gunalan, learned counsel for the petitioners and Mr.S.Arumugam, learned Government Advocate for the respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. The learned counsel for the petitioners submitted that the petitioners have been promoted to the post of Laboratory Assistants in the Government Arts



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College, Coimbatore on 09.05.2003. As per the Government Order in G.O.Ms.

No.271 Finance (Pay Cell) Department dated 26.08.2010, the grade pay of Laboratory Assistant / Programming Assistant / Programmer have been revised from 5200-20200+1900 to 9300-34800+4200. The order would read that the revision would take effect notionally with effect from 01.01.2006 and by giving monetary benefits with effect from 01.08.2010. The posts of Laboratory Assistant /Programming Assistant / Programmer have been re-designated as Assistant Programmer. The petitioners would also come under the said ambit. As they would come under the post of Laboratory Assistant and by virtue of above Government Order in G.O.Ms. No.271 Finance (Pay Cell) Department dated 26.08.2010, they are entitled to be re-designated as Assistant Programmers. However, in the impugned order dated 27.04.2018, it is stated that the Government Order in G.O.Ms. No.271 Finance (Pay Cell) Department dated 26.08.2010 is applicable only for the Assistant Programmers, who are working in the Collegiate Education Department. As the petitioner is also working in the Government Arts College, Coimbatore, they were also fall under the Collegiate Education Department. Despite the petitioners belong to the Collegiate Education Department, the petitioners' entitlement under the Governmental Order No.271 dated 26.08.2010 could not have been denied by citing the reasons that the above benefit is applicable only to the Assistant



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Programmer, Collegiate Department. By virtue of re-designation the petitioners

who are Laboratory Assistants would also come under the ambit of Assistant Programmers and hence, they are also entitled to the revision of grade pay which is available under Governmental Order in G.O.Ms.No.271 Finance (Pay Cell) Department dated 26.08.2010. Curiously, in the counter filed by the respondents, an additional reason which has not been stated in the impugned order, has been stated.

4. The learned counsel for the respondents submitted that the Government has issued a Government Letter on 08.11.2010 in Letter No.63305/Pay Cell/2010-1 and in which, it is stated that the above benefit is applicable only for those persons, who are awarded with the special grade/ selection grade between the period from 01.01.2006 to 31.05.2009. The above Government Order does not make any reference about G.O. Ms. No.271 Finance (Pay Cell) Department dated 26.08.2010. The letter only makes a reference about G.O. Ms. No.234 Finance (Pay Cell) Department dated 01.06.2009, which is issued for the pay revision.

5. The Government Letter dated 08.11.2010 would clarify that if the employee, who is eligible to get the pay revision has been awarded with



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selection grade /special grade between the period from 01.01.2006 and 31.05.2009, i.e., prior to the issuance of G.O. Ms. No.234 Finance (Pay Cell)

Department dated 01.06.2009, they are eligible to exercise their option to come over to the revised scale of pay on the date of their award of selection grade /special grade, by foregoing the arrears pay revision with effect from 01.01.2007. The petitioners' case do not fall under the above clarification issued only in respect of those persons, who have reached the selection grade / special grade stage irrespective of any post. But in the counter of the respondents, the above rule is cited without any relevance and basis for denying the claim of the petitioner. As the petitioners have got a straightaway case by G.O. Ms. No.271 Finance (Pay Cell) Department dated 26.08.2010, they are covered under the said Governmental order and they are entitled to the benefit of the same. As the impugned order has been passed without application of mind and without giving the correct interpretation for the G.O.Ms.No.271 Finance (Pay Cell) Department dated 26.08.2010, the same is liable to be set aside.

6. In view of the above stated reasons, this writ petition is allowed and the impugned order in Ref. Na.Ka. No.9652/P2/2018 dated 27.04.2018 passed by the second respondent is set aside and the respondents are directed to fix the pay of the petitioners by revising their pay scale from Rs.5200-20200+1900 to



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Rs.9300-34800+4200 with notional effect from 01.01.2006 and the monetary

effect shall be given with effect from 01.08.2010 based on the G.O.Ms. No. 271

Finance (Pay Cell) Department dated 26.08.2010.

24.02.2025

Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

Maya

To

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R.N.MANJULA, J.

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