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W.P(MD)NOs.17617 17391 and 17412 of
2021 of 2021

**BEFORE THE MADURAI BENCH OF MADRAS HIGH
COURT**

DATED:03.09.2025

CORAM:

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P(MD)Nos.17617, 17391 and 17412 of 2021

and

W.M.P(MD)No.14277 of 2021

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|-------------------|---|
| 1.N..Kumaravel | ... Petitioner in W.P(MD)No.17617 of 2021 |
| 2.G.Viswanathan | ...Petitioner in W.P(MD)No.17391 of 2021 |
| 3.N.K.Karunanithi | ...Petitioner in W.P(MD)No.17412 of 2021 |

.Vs.

1.The Secretary to Government,
Government of Tamil Nadu,
Transport Department,
Secretariat,Chennai -600 009.

2.The Director,
Motor Vehicle Maintenance Department,
Velacherry, Chennai - 600042. ... Respondents in all W.Ps'

PRAYER in W.P(MD)No.17617 of 2021: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating connected with the impugned order passed by the second



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respondent in his letter in Na.Ka.No.A5/6710/2018 dated 5.2.2019 and quash the same and consequently direct the second respondent to fix the pay scale of Charge-man and Foreman in respect of Selection Grade and Special Grade to the Petitioner.

PRAYER in W.P(MD)No.17391 of 2021: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating connected with the impugned order passed by the second respondent in his letter in Na.Ka.No.A5/6708/2018, dated 5.2.2019 and quash the same and consequently direct the second respondent to fix the pay scale of Charge-man and Foreman in respect of Selection Grade and Special Grade to the Petitioner.

PRAYER in W.P(MD)No.17412 of 2021: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating connected with the impugned order passed by the second respondent in his letter in Na.Ka.No.A5/9932/2018, dated 5.2.2019 and quash the same and consequently direct the second respondent to fix the pay scale of Charge-man and Foreman in respect of Selection Grade and Special Grade to the Petitioner.

For Petitioner : Mr.S.Govindan
in all W.Ps'

For Respondents : Mr.S.S.Madhavan
in all W.Ps' Addl.Govt. Pleader

COMMON ORDER

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The issue involved in these Writ Petitions are one and the same and therefore, they are disposed of by a common order.



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2.The respective Petitioners were recruited through Employment Exchange and they are ITI Certificate holders. They were initially appointed as Helpers under the control of the second respondent. Subsequently, the post of Helper was redesignated as Fitter in terms of G.O.Ms.N.498, Transport Department, dated 16.5.1989. The respective Petitioners were given selection grade and special grade under the category of Fitter. The respective Petitioners were working as Fitter for several years and therefore, they have given representations to provide promotions to the Fitters. Only thereafter, the respective Petitioners were promoted as Charge Man as per the service rules issued by G.O.Ms.No.18 Transport Department, dated 10.2.1987. The post of Charge Man is a first level of promotion for the respective Petitioners

3.The respective Petitioners as per the annexure of the Government letter NO.63305/ Pay Cell /2010-1, Finance (PC)Department, dated 8.11.2010 are entitled for selection grade in the pay scale of charge Man(Rs.9300-34800+420). The respective Petitioners made representation to the second respondent and based on the said representation, the second respondent had addressed to the first respondent seeking clarification relating to the fixation of pay for the respective Petitioners. The first



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respondent by his letter, dated 31.2.2015, had also issued instructions to the second respondent to set right the anomaly of selection grade and special grade in respect of the employees working under his control as per the clarification issued in the Government Letter, dated 14.09.1990.

4. According to the Petitioners, under the impugned order, dated 5.2.2019, the second respondent has mechanically, by total non-application of mind, has rejected the respective Petitioners claim on the ground that the first level promotion in respect of Fitter is only Mechanic Grade-II and the second level promotion is Mechanic Grade-I. Therefore, the second respondent has rejected the Petitioners request for fixation of their respective pay in the selection grade and special grade on account of the fact that the respective petitioners were promoted directly as Charge Man and they cannot be equated with persons who were promoted as Mechanic Grade-II, Mechanic Grade-I from the post of Fitter. Under those circumstances, the Petitioners have filed these Writ Petitions.

5. A counter affidavit has been filed by the respondents reiterating the contentions of the impugned order.



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6.The learned counsel for the Petitioners placed on record the decision rendered by the Principal Bench of this Court dated **6.3.2024 in W.P.Nos.24266 of 2021 batch** involving identically placed Petitioners. As seen from the said decision, after extensively discussing the point in issue whether the respondents can fix the scale of pay on par with the persons who were promoted to the post of Mechanic Grade-II and Mechanic Grade-I from the post of Fitters, the learned Single Judge has categorically held that it is not fair on the part of the respondents to fix the scale of pay by considering Mechanic Grade II as the lowest promotional post, instead of considering the Charge Man as the lowest promotional post. Since the Petitioners in those Writ Petitions as in the case of Petitioners in these Writ Petitions, were never promoted as Mechanic Grade II, the learned Single Judge in the connected Writ Petitions, decided in the Principal Bench of this Court, has held that it is unfair and inappropriate to fix the scale of pay of the Petitioners in the category of Mechanic Grade-II as the Petitioners have been directly promoted to the post of Charge Man and they were never promoted as Mechanic Grade-II. Therefore the learned Single Judge in the aforesaid case, has rightly quashed the impugned order which was the subject-matter of the connected Writ Petitions. Since the case on hand is also identical to the case decided by the Principal Bench of this Court



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and since this Court is in agreement with the view taken by the learned Single Judge, the impugned orders are also got to be quashed and a direction will have to be issued to the second respondent to fix the Petitioners' scale of pay in the cadre of Charge Man within a time frame fixed by this Court.

7. Accordingly, the impugned orders, dated 5.2.2019 passed by the second respondent are hereby quashed and these Writ Petitions are allowed by directing the second respondent to fix the Petitioners scale of pay in the cadre of Charge Man and Foreman respectively and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

03.09.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

To

1. The Secretary to Government,
Government of Tamil Nadu,
Transport Department,
Secretariat, Chennai -600 009.

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2.The Director,
Motor Vehicle Maintenance Department,
Velacherry, Chennai – 600042.

ABDUL QUDDHOSE.,J.

vsn

COMMON ORDER MADE IN

W.P(MD)Nos.17617, 17391 and
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and
W.M.P(MD)No.14277 of 2021



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