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W.P.Nos.10557, 10565 10573  
& 10579 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 03-02-2026**

CORAM

**THE HON'BLE MR JUSTICE M.DHANDAPANI**

**W.P.Nos.10557, 10565, 10573 & 10579 of 2024 &  
WMP.Nos.11586 & 11596 of 2024**

R.Manickaraj

...Petitioner  
((W.P.No.10557 of 2024)

S.Sampathkumar,

...Petitioner  
(W.P.No.10565 of 2024)

P.Gopalakrishnan,

...Petitioner  
(W.P.No.10573 of 2024)

M.Sahul Hameed

...Petitioner  
(W.P.No.10579 of 2024)

Vs

1. Government of Tamil Nadu, rep.  
By its Secretary, Revenue & Disaster  
Management, Survey & Settlement  
Department, Fort St.George,  
Chennai-600009.

...R1 in all the WPs



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2. The Director, Survey & Settlement  
Directorate, Survey House, Chepauk,  
Chennai-600 005.

...R2 in WP.Nos.  
10557, 10565 &  
10579 of 2024

3. The Additional Director, Survey &  
Settlement Directorate, Survey  
House, Chepauk, Chennai-600005.

...R2 in WP.No.  
10573 of 2024

**Prayer in W.P.No.10557 of 2024:** Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order issued by the 1st respondent Government letter No. 12396/ne.a.3(1)/2022 dated 19.06.2023 and consequential impugned order passed by the 2<sup>nd</sup> respondent vide na.ka.gna4/6932/2021(ni.a) dated 23.07.2023, quash the same as null and void, illegal and invalid in so far as the petitioner is concerned and consequently direct the respondents to disburse the 5% personal pay entitled to the petitioner as per order passed by the 1<sup>st</sup> respondent office dated 14.07.2018 and to confer all consequently service and monetary benefits within time limit to be prescribed by this Court.



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**Prayer in W.P.No.10565 of 2024:** Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order issued by the 1st respondent Government letter No. 12396/ne.a.3(1)/2022 dated 19.06.2023 and consequential impugned order passed by the 2<sup>nd</sup> respondent vide na.ka.gna4/6932/2021(ni.a) dated 23.07.2023, quash the same as null and void, illegal and invalid in so far as the petitioner is concerned and consequently direct the respondents to disburse the 5% personal pay entitled to the petitioner as per order passed by the 1<sup>st</sup> respondent office dated 14.07.2018 and to confer all consequently service and monetary benefits within time limit to be prescribed by this Court.

**Prayer in W.P.No.10573 of 2024:** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the impugned order issued by the 2nd respondent proceeding na.ka.ya1/ 32532/22 dated 14.3.2023, quash the same as null and void, illegal and invalid and consequently, direct the respondents to disburse the 5% personal pay entitled to the petitioner as per order passed by the 1<sup>st</sup> respondent office dated 14.7.2018 and to confer all consequently service and monetary benefits within time limit to be prescribed by this Court.



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**Prayer in W.P.No.10579 of 2024:** Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to disburse 5% personal pay entitled to the petitioner as per order passed by the first respondent office dated 14.7.2018 and to confer all consequently service and monetary benefits within time limit to be prescribed by this Court.

**In all Petitions**

For Petitioner(s): Mr.P.Ganesan

For Respondent(s): Mr.P.Balathandayutham, SGP

**COMMON ORDER**

Since the issue involved in all the Writ Petitions is one and the same, all the Writ Petitions are taken up for final disposal by way of a common order.

2. W.P.Nos.10557 and 10565 of 2024 have been filed by the respective petitioner seeking to quash the orders passed by the first respondent dated 19.6.2023 and the consequential order passed by the second respondent in so far as the petitioners are concerned and to direct the respondents to disburse 5% personal pay, which the petitioners are entitled to, as per the order dated 14.7.2018 passed by the first respondent and confer all the consequential service and monetary benefits.



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3. W.P.No.10573 of 2024 has been filed by the petitioner seeking to quash the proceedings of the 2<sup>nd</sup> respondent dated 14.3.2023 and to direct the respondents to disburse the 5% personal pay, which the petitioner is entitled to, as per order passed by the 1<sup>st</sup> respondent office dated 14.7.2018 and to confer all consequently service and monetary benefits within time limit to be prescribed by this Court.

4. W.P.No.10579 of 2024 has been filed by the petitioner seeking a direction to the respondents to disburse 5% personal pay, which the petitioner is entitled to, as per order passed by the first respondent office dated 14.7.2018 and to confer all consequently service and monetary benefits within time limit to be prescribed by this Court.

5. The petitioners were initially appointed as Field Surveyors on 05.09.1981, 06.11.1979, 13.08.1982 & 28.03.1982 respectively and thereafter they were promoted as Sub-Inspectors of Survey with effect from 05.3.1986, 25.4.1986, 15.12.1986 and 17.8.1988 respectively. They



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were given selection grade in the cadre of Sub-Inspectors of Survey in the scale of pay 1600-50-2300-60-2660. Subsequently, they were promoted as Deputy Inspectors of Survey and further promoted as Assistant Directors of Survey and upon attaining superannuation, they were retired from service in the years 2013, 2017, 2007 and 2015 respectively.

6. The grievance of the petitioners is that they were not granted personal pay at 5% in terms of G.O.Ms.No. 664 dated 24.8.1992 despite their eligibility and hence, they submitted representations to the respondents seeking grant of personal pay at 5% in terms of G.O.Ms.No. 664 dated 24.8.1992 however, their request was rejected on the ground that the petitioners do not fall within the categories prescribed in the relevant Government Orders. Aggrieved by which, the present Writ Petitions have been filed.

7. Learned counsel appearing for the petitioners submitted that the rejection of the petitioners' claim is arbitrary and illegal as no appropriate revision was effected in terms of the G.O.Ms.No. 664 dated 24.8.1992



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and G.O.(Ms).No.497, Finance (Pay Cell) Department, dated 15.9.1998

on par with the similarly placed persons, the petitioners being similarly placed, are also entitled to grant of 5% personal pay. Accordingly, he prayed for appropriate orders.

8. Learned Special Government Pleader appearing for the respondents reiterated the averments made in their counter affidavit and submitted that the pay scale of the petitioners was correctly fixed in accordance with the Pay Commission Recommendations with effect from 01.01.1996 and they were granted selection grade only as per their eligibility. He further submitted that 5% personal pay was duly applied and continued in the revised pay scale and therefore, there is no error in fixation of pay and therefore, the claim of the petitioners cannot be acceded to. Accordingly, he prayed for dismissal of these Writ Petitions.

9. Heard the learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents and also perused the materials available on record.



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10. Admittedly, the petitioners entered into the service as Field Surveyors and were subsequently promoted as Sub Inspectors of Survey and were further promoted as Deputy Inspectors of Survey and thereafter as Inspectors of Survey. However, it is the claim of the petitioners that they were employed as Sub Inspectors of Surveyors with effect from 05.3.1986, 25.4.1986, 15.12.1986 and 17.8.1988 respectively and therefore, they are entitled to personal pay at 5% in terms of G.O.Ms.No. 664 dated 24.8.1992 and G.O.(Ms).No.497, Finance (Pay Cell) Department, dated 15.9.1998.

11. However, a perusal of the counter affidavits filed on behalf of the respondents reveals that the petitioners were promoted as Sub-Inspectors of Survey with effect from 05.3.1986, 25.4.1986, 15.12.1986 and 17.8.1988. The monetary effect of the Pay Commission was given w.e.f 01.01.1996 and the scale of pay of the petitioners were fixed accordingly. Only later in point of time, after fixation of scale of pay, the petitioners were entitled for the Selection grade of pay and were moved to



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the selection grade scale of pay only on the respective dates of their entitlement, which would result in the petitioners moving to selection grade scale of pay of 1600-2660.

12. Further, 5% personal pay was allowed in the said scale of pay of 1600-2660 under the Vth Pay Commission which was subsequently continued in the equivalent pay scale of 5300 -150-8300 under the Vith Pay Commission in terms of G.O.(Ms).No.497, Finance (Pay Cell) Department, dated 15.9.1998. It is further submitted that the petitioners were moved to the Selection grade Sub-Inspector of Survey post in the pay scale of 1600-2660 and thereafter, their pay was re-fixed retrospectively to the equivalent selection grade pay scale of 5300-150-8300 from 01.01.1996 based on Vth pay commission recommendations. Therefore, there is no error in fixation of pay and the contention of the petitioners that they are eligible for grant of 5% personal pay does not merit acceptance.



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13. It is to be pointed out that, category 4 of the said Government Order stipulates that 5% of personal pay is applicable only to those employees, who were in the revised scale of pay of Rs.1600-2660 revised from scale of pay of Rs.905-1545 and the revision of the pay scales of the petitioners being only after entering into Selection Grades of pay, the petitioners are not entitled for the said benefit. That being the case, the petitioners do not fall within the said category as their basic pay in the post of Sub-Inspector of Survey at the relevant point of time was in the pre-revised pay scale and that they are not entitled to claim the benefit under G.O.Ms.No.664 dated 24.8.1992 and G.O.(Ms).No.497, Finance (Pay Cell) Department, dated 15.9.1998.

14. It is further submitted that though the petitioners retired from service during the years 2013, 2017, 2007 and 2015 respectively, they have chosen to make representations only after a lapse of several years and there is no explanation for the enormous delay in filing the petitions and these writ petitions are liable to be dismissed on the ground of delay and laches.



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15. For the reasons afore-stated, the writ petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

NHS

To

1. The Secretary,  
Government Of Tamil Nadu  
Revenue Disaster Management, Survey And  
Settlement Department,  
Fort St.George, Chennai-600 009.
2. The Director,  
Survey And Settlement Directorate,  
Survey House, Chepauk, Chennai-600 005.
3. The Additional Director, Survey &  
Settlement Directorate, Survey  
House, Chepauk, Chennai-600005.



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**M.DHANDAPANI J.**

**NHS**

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