



ABSTRACT

Pay – Personal Pay – Grant of 5% Personal Pay to the Steno-Typists, Grade--III who were in position as on 1—8—92 and 1—9—98 – Based on the orders of the Hon'ble High Court -- Orders – Issued.

FINANCE (PAY CELL) DEPARTMENT

G.O.Ms.No: **143**

Dated: 03—06—2014.
Vaikasi, 20.
Thiruvalluvar Aandu, 2045.

READ :

1. G.O.Ms.No.664, Finance (PC) Department, dated: 24—8—1992.
2. G.O.Ms.No.873, Finance (PC) Department, dated: 27—12—1993.
3. G.O.Ms.No.372, Finance (PC) Department, dated: 2—5—1994.
4. Government Letter No.106614 /Pay Cell/92—1, Finance Department, dated: 30—9—92.
5. G.O.Ms.No.497, Finance (PC) Department, dated: 15—9—1998.
6. Government Letter No.38877 / PC/2000—1, Finance Department, dated: 30—8—2000.
7. Government Letter No.65399 /CMPC/2003—4, Finance Department, dated: 14—12—2006.
8. G.O.Ms.No.176, Finance (CMPC) Department, dated: 30—4—2009.
9. From the Hon'ble High Court, Judgement Order dated: 28—8—2007 in W.P.No. 26991 of 2007 and batch cases filed by Thiru A. Chenniappan and other Ministerial staff of Judicial Department.
10. From the Hon'ble High Court, Judgement Order dated: 10—11—2010 in W.P.No. 25366 of 2010 filed by N. Srivalli and 23 others.
11. From the Hon'ble High Court, Judgement Order dated: 10—11—2010 in W.P.No. 25370 of 2010 filed by K. Manchula.
12. From the Hon'ble High Court, Judgement Order dated: 18—11—2010 in W.P.No. 25941 of 2010 filed by R. Krishnaveni and 3 others.
13. From the Hon'ble High Court, Judgement Order dated: 29—11—2010 in W.P.No. 26868 of 2010 filed by Y.Krishnambal and 18 others.
14. From the Hon'ble High Court, Judgement Order dated: 02—12—2010 in W.P.No. 27366 of 2010 filed by N. Indira.
15. From the Hon'ble High Court, Judgement Order dated: 21—12—2010 in W.P.No. 28932 of 2010 filed by V.Nagalakshmi.
16. From the Hon'ble High Court, Judgement Order dated: 06—3—2013 in W.P.No. 18095 of 2010 filed by Tmt. B.T. Vaidehi and 7 others.
17. From the Hon'ble Division Bench of Madurai Bench of Madras High Court Judgement order dated: 08--4--2013 in W.P.(MD)No.13198 of 2011 filed by Tamil Nadu Judicial Ministerial Services Retired Employees Association, Madurai.
18. From the Hon'ble High Court, Judgement Order dated: 26—11—2013 in W.P.No. 32087 of 2013 filed by Tmt. V. Chandra and 6 others.

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19. From the Director General of Police, Letter Rc.No.51586 /PBA.1(2)/2012, dated: 04—3—2014 along with the opinion of the Government Pleader, High Court dated:27—02--14.
20. Representation from the Tamil Nadu Government Typists & Stenos Association, State Centre, Thanjavur.

ORDER:

In the Government Order first read above, orders were issued granting 5% of basic pay computed as on 1—8—92 as Personal Pay to the following categories of staff :--

- i) All categories of staff in the pre-revised scales of pay at Rs.475—775 moving over to the revised scale of pay of Rs.775—1030;
- ii) All categories of staff in the pre-revised scales of pay at Rs.610—1075 moving over to the revised scale of pay of Rs.950—1500 or Rs.975--1660;
- iii) All categories of staff in the pre-revised scales of pay at Rs.705--1230 moving over to the revised scale of pay of Rs.1200--2040;
- iv) All categories of staff in the pre-revised scales of pay at Rs.905--1545 moving over to the revised scale of pay of Rs.1600—2660.

The above Personal Pay was granted as an alternative benefit in lieu of any further pay scale revision to the Ministerial categories consequent on the implementation of Fifth Tamil Nadu Pay Commission scales of pay.

2) In the Government Order second read above, orders have been issued extending the above benefit to all those employees who actually moved from the said pre-revised scales of pay to the revised scales viz. to all those who were appointed / promoted prior to 27—6—89 i.e. the date of issue of orders implementing the Fifth Tamil Nadu Pay Commission scales of pay.

3) In the Government Order fifth read above, orders were issued extending the benefit of 5% of basic pay as Personal Pay in the revised scales of pay with effect from 1—9—98 to all categories of employees who have been granted with 5% of basic pay as Personal Pay prior to 1—1—96 in the pre-revised scales of pay with effect from 1—8—92.

4) It is pointed out that the scale of pay of the Steno-typists under "Common Category" was initially fixed at Rs.950—1500 with effect from 1--6--88 as against the pre-revised scale of pay of Rs.610—1075 in the Fifth Pay Commission scales of pay which was further revised to Rs.975—1660. Thereby they were covered under the ambit of the four categories of scales of pay mentioned in Government order first read above. Subsequently, in the Government Order third read above, the Ordinary Grade scale of pay of the Steno-typists has been revised from Rs.975—1660 to Rs.1200—2040 as against the pre-revised scale of pay of Rs.610--1075 with effect from 1—6—88. Consequent on the grant of higher scale of pay, the benefit of Personal Pay has not been allowed to the Steno-typists, Grade--III as their pre-revised and revised scales of pay does not fall under the ambit of the categories of employees mentioned in the Government order dated: 24—8—92.

5) A batch of Writ Petitions were filed by the Steno-typists working in various Government departments seeking direction to grant 5% of basic pay as Personal Pay to the petitioners by extending the benefit of the orders issued in G.O.Ms.No.176, Finance (CMPC) Department, dated: 30—4—2009.

6) The Hon'ble High Court in various judgement orders have disposed of all the writ petitions in favour of the petitioners vide judgement orders passed by the Hon'ble Division Bench of Madras High Court dated: 28—8—2007 in W.P. No. 26991 of 2007 and batch cases. Further, the Hon'ble High Court in its order dated: 26—11—2013 in W.P.No.32087 of 2013 has observed that the pre-revised scale of pay of Stenographers was Rs.610—1075 and the corresponding revised scale of pay was Rs.1200—2040 which falls within the four categories of pay stipulated in G.O.Ms.No.873, Finance (PC) Department, dated: 27--12--93. Further, it has also been pointed out that the issue is already covered by the judgement of this Court in W.P.No.10995 of 2007 dated: 22—12—2008, wherein this Court, taking into consideration the Division Bench Judgement in W.P.No.30168 of 2006 dated: 20—11—2008 directed the extension of the benefit of this Government Order to the petitioners therein. In view of that the writ petition has been ordered with a direction to the respondents to grant 5% of basic pay as personal pay to the petitioners, in the light of the orders issued in G.O.Ms.No.176, Finance (CMPC) Department, dated: 30—4—2009 within a period of twelve weeks from the date of receipt of a copy of this order.

7) The Director General of Police in the letter nineteenth read above has also furnished the opinion of the Government Pleader, High Court on the orders passed in W.P.No.18095 of 2010, dated: 06—3—2013 and requested early orders in this regard. The Government Pleader, High Court in his opinion dated: 27—2—14 has stated that the Hon'ble High Court in its order dated: 26—6—2008 in W.P.Nos.28505 and 28611 of 2006 allowed the writ petitions, relying on earlier judgement of the Hon'ble High Court Division Bench dated: 10—3—2006 in W.P. Nos. 20156 and 13143 of 2000. Further, he has pointed out that the Government in pursuant to various orders passed by the Hon'ble High Court have granted 5% of basic pay as personal pay to various categories by extending such benefit as granted vide. G.O.Ms.No.664, Finance (PC) Department, dated: 24—8—92 further modified in G.O.Ms.No.873, Finance (PC) Department, dated: 27—12—93 and also as ordered in G.O.Ms.No.176, Finance (CMPC) Department, dated: 30—4—2009. Considering the totality of the circumstances and in view of the fact that the earlier Division Bench order covers the issue involved in this case, he has therefore opined that this is not a fit case for filing appeal.

8) After careful consideration, Government has decided to implement the various judgement orders of the Hon'ble High Court filed by the Steno-typists in various Government departments for sanction of 5% of basic pay as Personal Pay to the Steno-typists Grade—III. Accordingly, Government direct that the benefit of 5% of basic pay as Personal Pay shall be extended to all those Steno-typists Grade—III (both under Tamil Nadu Ministerial Service / Tamil Nadu Judicial Ministerial Service) who were in position as on 1--8--92 and 1--9--98 respectively on the analogy of the orders issued in the Government Order eighth read above.

9) All the Heads of Departments, Heads of Offices concerned are requested to re-fix the pay of the Steno-typists, Grade—III by sanctioning 5% of basic pay as Personal Pay to all those who were in position as on 1--8--92 and 1--9--98. However, the benefit of 5% of

basic pay as Personal Pay sanctioned above shall be allowed to the Steno-typists Grade--III as long as they continue in the said post held by them. As and when they are promoted to next higher post for which no personal pay is available, the Personal Pay shall be discontinued and absorbed in the pay fixation on appointment to the next higher post as per the existing orders in force.

(BY ORDER OF THE GOVERNOR)

K. SHANMUGAM,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

All Heads of Department.

The Principal Accountant General (Accounts & Entitlements), Chennai-18.

The Principal Accountant General (Audit.I), Chennai-18.

The Accountant General (Audit.II), Chennai-18.

The Accountant General (CAB), Chennai-9 / Madurai.

The Governor's Secretariat, Raj Bhavan, Guindy, Chennai- 32.

The Registrar General, High Court, Chennai - 104.

The Chairman, Tamil Nadu Public Service Commission, Chennai-3.

All Collectors / All District Judges / All Chief Judicial Magistrates.

The Registrar of all Universities in Tamil Nadu.

The Director General of Police, Chepauk, Chennai – 2.

The Commissioner of Treasuries and Accounts, Chennai-15.

The Director of Pension, DMS Complex, Chennai-6.

The Director of Local Fund Audit, Chennai – 108.

The Pension Pay Officer, Chennai- 600 006.

The Pay and Accounts Officer, Secretariat, Chennai-9.

The Pay and Accounts Officer,(North / South / East) Chennai- 1 / 35 / 8.

The Pay and Accounts Officer, Madurai - 625 001.

All Treasury Officers / Sub-Treasury Officers.

Copy to:

The Government Pleader, High Court, Chennai –104.

The Senior Personal Assistant to Hon'ble Minister, Finance & PWD, Chennai-9.

The Private Secretary to Principal Secretary to Government, Finance Department, Chennai-9,

The Private Secretary to Secretary to Government (Expenditure), Finance Department, Chennai-9.

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SECTION OFFICER.