



Finance (CMPC) Department,
Fort St. George,
Chennai – 600 009.

Letter No. 54438 /CMPC/13--1, dated: 09 -10—2013.

From
Thiru **K. SHANMUGAM**, I.A.S.,
Principal Secretary to Government.

To

All Principal Secretaries / Secretaries to Government, Chennai – 9.
All Departments of Secretariat, Chennai –9.
All Heads of Departments.
All Collectors / All District Judges / All Chief Judicial Magistrates.
All Public Sector Undertakings.

Sir / Madam,

Sub: Writ Petitions filed by Drivers – Seeking higher pay in the Selection / Special Grades with effect from 1—1—96 – SLP filed against the orders of High Court dated: 30—9—2008 in W.P.No.4254 of 2008 and in batch cases -- Judgement Orders received in similar cases – Instructions issued to file Writ Appeal / Special Leave Petition – Follow up action on the Judgement orders passed so far – Further Details called for – Regarding.

Ref: 1. G.O.Ms.No.162, Finance (PC) Department, dated: 13—4--1998.
2. Government Letter No.96900 / Pay Cell/98-2, Finance Department, dated: 31—12—1998.
3. Government Letter No.63685 / CMPC/2006, Finance Department, dated: 01—10—2007.
4. Order of the High Court dated: 30—9—2008 in W.P. No. 4254 of 2008 and in batch cases.
5. Government Letter No.55898 / CMPC/2012--1, Finance Department, dated: 1—10—2012.
6. From the Special Government Pleader (Forests), High Court, Chennai Letter No.SLP (CC) No.6602/2013, dated: 24—9--2013.

I am to invite your kind attention to the references cited and to state the following facts in respect of the scales of pay of Drivers:--

- i) The Ordinary Grade scale of pay of Driver with effect from 1—6—88 under common category is Rs.975—1660 as against the pre-revised scale of pay of Rs.610—1075 (G.O.Ms.No.666, Finance (PC) Department, dated: 27—6—89)
- ii) As per Schedule—I of G.O.Ms. No.162, Finance (PC) Department, dated:13-4-98, the corresponding revised scale of pay with effect from 1—1—96 is Rs.3200—4900 as against the pre-revised scale of pay of Rs.975—1660 as mentioned in Group—XX therein.

/p.t.o./

- iii) As per Schedule—II of G.O.Ms. No.162, Finance (PC) Department, dated: 13—4—98, the Ordinary Grade, Selection Grade and Special Grade scales of pay is as follows:--

Sl. No.	Ordinary Grade Rs.	Selection Grade Rs.	Special Grade Rs.
6.	3200—85—4900	4000—100—6000	4300—100--6000

Hence, the Drivers are eligible for the appropriate Selection Grade scale of pay of Rs.4000—6000 and Special Grade scale of pay of Rs,4300—6000 only with effect from 1—1—96 as per G.O.Ms. No.162, Finance (PC) Department, dated: 13—4—98 and the above said scales of pay is commonly applicable to all categories in the Ordinary Grade scale of pay of Rs.3200—3900 which was also clarified in the Government Letter third cited.

2) Tvl. V. Mariappan and 143 Drivers filed batch cases in the High Court by wrongly interpreting the Selection Grade scale of pay of Drivers as Ordinary Grade scale of pay of Drivers and to quash the clarification issued in the Government letter third cited and direct the respondents to fix the higher scale of pay of Rs.5000—8000 to Selection Grade and Rs.5500—9000 to Special Grade Drivers respectively with effect from 1—1—96. As the Hon'ble High Court in its order dated: 30—9—2008 has allowed the Writ Petitions necessary Writ Appeals were filed. Subsequently, aggrieved on the dismissal of the Writ Appeal filed against the Hon'ble High Court Order dated: 30—9—2008, the Government has filed Special Leave Petition No.35969 of 2009 against the orders passed by the Hon'ble High Court of Madras, dated: 30—9—2008 in W.P.No.4254 of 2008 and in similar batch cases relying on the facts put forth in para-1 above which is still pending before the Hon'ble Supreme Court of India. Hence, necessary instructions were issued in the reference fifth cited to file Writ Appeal / Special Leave Petition in cases where the Court has passed orders in favour of the Writ Petitioners seeking the unintended higher Selection Grade scale of Rs.5000—8000 and Special Grade of Rs.5500—9000.

3) Accordingly, the cases filed by Drivers in several Government departments were effectively contested in the Hon'ble High Court and Supreme Court of India by the concerned respondents. In some cases where the petitioners have obtained favourable orders from the Hon'ble High Court without proper contesting of the case which has lead to reaching the finality and the respondents were left with no other alternative to consider their prayer due to contempt petitions filed by the petitioners subject to the Appeal preferred in the High Courts / Supreme Court.

4) In the reference sixth cited, it has been requested to furnish certain particulars to produce before the Hon'ble Supreme Court of India so as to contest the Driver cases effectively as a whole by explaining the fact that the Ordinary Grade, Selection Grade and Special Grade scales of pay of the Driver with effect from 1—1—96 has wrongly been interpreted by the Writ Petitioners. Therefore, I am to request you to furnish the following particulars:--

- a) Details of the Writ Petitions filed by Drivers along with copy of Judgement Orders.
- b) Details of Writ Appeal / Special Leave Petition filed against the orders passed by the Hon'ble High Court of Madras and Madurai Bench in favour of the Drivers and its present stage (along with copy of Judgement Orders being contested).

- c) Details of cases in which orders of the Hon'ble High Court has been implemented by granting higher Selection Grade and Special Grade scales of pay to the Drivers till date based on the orders in contempt petitions (including the number of beneficiaries and its commitment).
- d) Total number of Drivers who attained Selection Grade / Special Grade prior between 1—1—96 and 31—12—2005.
- e) Total number of posts in the category of Junior Assistants and Telephone Operators existing as on 1—1—96 and 1—1—2006 in the respective departments.
- f) Total number of Drivers in position from 01—01--1996 to 31--12--2005 in Ordinary Grade / Selection Grade / Special Grade and retired from service with year-wise break up details.
- g) Total commitment to the State Exchequer if the Drivers are granted the higher pay scale in Selection Grade / Special Grade as directed by the Court.
- h) Details of Officials responsible for wrong fixation if any made to the Drivers as that in Forest Department and the action taken thereon.

5) The above particulars may be furnished to Government on or before 25—10—2013 so as to enable this department to consolidate and forward the same to the Advocate on Record of Tamil Nadu, Hon'ble Supreme Court of India to contest the SLP (C) No.35969 of 2009 filed against the orders passed by the Hon'ble High Court of Madras, dated: 30-9-08 in W.P.No.4288 of 2008 and in similar batch cases filed by Tvl. V. Mariappan and 143 Drivers effectively.

6) This may kindly be treated as "**Most Immediate**".

Yours faithfully,



for Principal Secretary to Government.