



Finance (BPE) Department.
Fort St. George, Secretariat,
Chennai-600 009.

Govt. Lr.No 58369 / Fin(BPE/2012 dt. 29.10.2012

From
Thiru S.Krishnan, I.A.S.,
Secretary to Government (Expenditure)

To
The Chief Executive Officers of State Public Sector
Undertakings / Statutory Boards (w.e)

Sir/Madam,

Sub: Writ Petitions filed by Drivers-Seeking higher pay in
Selection/Special Grades with effect from 1.1.1996- Judgment
orders received- guidelines to file Writ Appeal-Regarding.

Ref: Government Lr.No.55898/Fin(CMPC)Dept/2012-1 dt.16.10.12

I am directed to enclose a copy of the Government letter cited for
information.

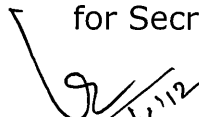
2) In this connection, I am directed to point out that the (a) Drivers in
certain Government departments / Organizations have filed Writ Petitions to
quash Govt. Lr.No.63685/Fin(CMPC)/2006-1dt.1.10.2007 and to implement the
Ordinary, Selection and Special grades as indicated in Schedule-II of
G.O.Ms.No.162 /Fin(PC)Dept dt.13.4.1998 as Rs.4000-6000, Rs.5000-8000 and
Rs.5500-9000 respectively (b) Hon'ble High Court of Madras in its order dated
30.09.2008 has allowed the above Writ Petitions (c) Writ Appeal filed by the
Government against the above orders of Hon'ble High Court of Madras has been
dismissed on 1.9.2009 (d) SLP No.35969/2009 filed by the Government of
Tamil Nadu against the orders passed on 30.9.2008 by the Hon'ble High Court
of Madras in WP No. 4288/2008 is still pending before the Hon'ble Supreme
Court of India.

3) In view of the position stated above, I am directed to request you to
ensure that (a) similar representations from Drivers in State Public Sector
Undertakings / Statutory Boards are not entertained and (b) timely action is
taken to file Counter Affidavit /Writ Appeal in the event of filing of Writ
petitions, if any, by the Drivers praying for revision of scales of pay.

4) This letter may be placed before the Board of Directors in the next
meeting.

Yours faithfully,


for Secretary to Government (Expenditure)


30/10/12

Court Case / Immediate



Finance (CMPC) Department,
Secretariat,
Chennai-600 009.

Letter No 55898 / CMPC / 2012-1, dated:16-10-2012

From

Thiru.K.Shanmugam, I.A.S.,
Principal Secretary to Government.

To

The Secretary to Government, Public Department, Secretariat, Chennai – 9 (w.e.).

The Pay and Accounts Officer, Secretariat, Chennai– 9 (w.e.).

The Managing Director, Tamil Nadu Housing Board, Chennai -35 (w.e.).

The Secretary / Personnel, Officer Tamil Nadu Housing Board, Chennai 35(w.e.).

The Secretary to Government, Special Implementation Department, Secretariat,
Chennai – 9(w.e.).

The Secretary to Government, Handlooms Khadi & Handicrafts Department,
Secretariat, Chennai – 9(w.e.).

The Principal Secretary to Government, Home Prohibition and Excise Department,
Secretariat, Chennai – 9(w.e.).

The Principal Secretary to Government, Labour and Employment Department,
Secretariat, Chennai – 9(w.e.).

The Principal Secretary to Government, Industries Department, Secretariat,
Chennai – 9(w.e.).

The Chairman and Managing Director, Tamil Nadu Power Finance & Infrastructure
Development Corporation Limited (III Floor), 490 Anna Salai, Nandanam,
Chennai –35(w.e.).

The General Manager, Tamil Nadu Power Finance and Infrastructure Development
Corporation Limited (III Floor), 490 Anna Salai, Nandanam, Chennai – 600 035(w.e.).

Sub : Writ Petitions filed by Drivers – Seeking the Higher Pay in
Selection/Special Grades – with effect from 01.01.1996 –
Judgement Orders received – instruction to file Writ Appeal –
Regarding.

Ref : 1. G.O.Ms.No.162, Finance (PC) Department, dated: 13.04.1998
2. Government Letter No. 63685 / CMPC / 2006-1, Finance
(CMPC) Department, dated: 01-10-2007.
3. Judgement order of the Hon'ble High Court
Dated: 30—09—2008 in W.P.Nos. 4288 of 2008.
4. Judgement order of the Hon'ble High Court
Dated: 17—09—2012 in W.P.Nos. 22640, 20543, 23193,
22629 & 22631 of 2012.

I am to invite your kind attention to the references cited.

// p.t.o. //

2. As per the Government Order cited, the Ordinary Grade scale of pay of Drivers is Rs 3200-4900, and for Selection Grade Rs. 4000-6000 and Special Grade Rs 4300-6000 with effect from 01-01-1996 as indicated in the Schedule-II of the said Government Order and the above said scales of pay is commonly applicable to all categories in the Ordinary Grade scale of pay of Rs 3200-4900 which was also clarified in the Government Letter 2nd cited.

3. Tvl. V.Mariappan & 143 Drivers filed batch cases in the High Court to quash the Government Letter second cited and to implement the Ordinary Grade, Selection Grade and Special Grade Scales of Pay as indicated in Schedule II of G.O.Ms.No.162, Finance (PC) Department, dated: 13-04-1998 as Rs. 4000-6000, Rs. 5,000-8000 and Rs. 5500-9000 respectively. The Hon'ble High Court in its order dated: 30-09-2008 has allowed the Writ Petitions directing the respondents to extend appropriate revised scale of Pay of Selection Grade and Special Grade at Rs. 5000-8000 and Rs. 5500-9000 respectively with effect from 01-01-1996. } aa

4. In this regard necessary Writ Appeals were filed by this department against the Hon'ble High Court Order dated: 30.09.2008 in Writ Petition No. 4288 of 2008 and the same was dismissed by the Hon'ble High Court. Government has filed Writ Appeal No 383 to 391/2009 against the above orders and batch cases and the same was also dismissed by the Hon'ble High Court. Aggrieved by the above orders, Government has filed SLP No. 35969 of 2009 against the above orders which is a similar issue as that of the Drivers in W.P.No. 23193, 22640, 20543, 22629 & 22631/2012 of 2012 which is still pending before the Hon'ble Supreme Court of India. } H

5. Now, Thiru.K.Jayaraman and 13 others and certain batch cases have been filed in the Hon'ble High Court in Writ Petition Nos. 22640, 20543, 23193, 22629 & 22631 of 2012. The Hon'ble High Court in its order dated: 17.09.2012, among others citing the dismissal of the Writ Appeals filed in Writ Appeal Nos. 383 to 391/2009 as against the orders in original W.P.Nos. 4288/2008 & batch cases has directed the respondents to refix the pay of the petitioners in Selection Grade and Special Grade scale of pay adopting the higher scale of Rs 5000-100-8000 and Rs 5500-175-9000 as the case may be as per G.O.Ms.No 162, Finance (Pay Cell) Department, dated: 13.04.1998 with all consequential benefits.

6. The gist of the cases of Drivers seeking similar higher Selection Grade/Special Grade scales of pay and a format of Writ Appeal is enclosed for your information.

7. In this connection, it is pointed out that the Drivers in several Government departments have filed Writ Petitions seeking similar reliefs and in such cases where the Court has passed favourable orders and when the cases were not preferred Appeal, the petitioners moved Contempt of Court seeking orders to implement the Court Orders in the original Writ Petitions. In a few such cases (Drivers of TWPCB & Forest Department), the orders were implemented to the petitioners after obtaining an undertaking to the effect that these orders shall be subject to the outcome of the final verdict in SLP filed by Government.

8. In view of the position stated above, if an Appeal is not filed within the stipulated time then it may invite contempt proceedings and the Government will be put up to hardship and no other alternative but to comply the orders of the Hon'ble High Court. Hence, I am to request all the Principal Secretaries / HODs to file an Appeal against the Judgement dated: 17.09.2012 in W.P.Nos. 22640, 20543, 23193, 22629 & 22631 of 2012 and any other similar Writ Petitions stating that similar matter by way of S.L.P is pending in the Supreme Court of India in consultation with the Government Pleader to avoid causing unnecessary huge financial commitment to the State Exchequer and intimate the action taken thereon to this department immediately.

Yours faithfully



for Principal Secretary to Government.

PP
16/10/12

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