

Madras High Court

Tamilnadu Village ... vs The State Of Tamilnadu Rep. By on 19 June, 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE: 19-06-2008

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.21882 of 2006
O.A.No.7896 of 1995

Tamilnadu Village Administrative
Officers Association, rep. by
State General Secretary
R.Bose., 40, Sai Nilayam,
Thiruvengadam Street,
Periyamet, Madras-3.

.. Petitioner.

Versus

1.The State of Tamilnadu rep. by
Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George, Madras-9.

2.The Secretary to Government,
Revenue Department,
Fort St. George, Madras-9.

3.The Principal Commissioner and
Commissioner for Revenue Administration
Chepauk, Madras-5.

.. Respondents.

Prayer: This petition has been filed seeking for a writ of Certiorarified Mandamus, to c

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.T.Sreenivasan
Government Advocate

O R D E R

The writ petition has been filed by the Tamil Nadu Village Administrative Officers' Association, praying that this Court may be pleased to call for the records of the first respondent in G.O.Ms.No.518 Finance (Pay Cell), Department, dated 1.8.92 and the letter of the second respondent bearing Lr.No.84087/E.Spl.1/94-2, dated 8.8.95, and to quash those portions of the order which restrict the benefit of higher start of pay to 1.4.92 and to direct the respondents to grant the benefit of higher start of pay to graduate Village Administrative Officers, with effect from 1.6.88, as in the case of Ministerial service.

2. It has been submitted on behalf of the petitioner Association that after the implementation of the recommendation of the 5th Pay Commission, the Government passed an order in G.O.Ms.9No.15, Finance (Pay Cell) Department, dated 17.08.1989, granting higher start of pay at two stages above the minimum scale of pay for graduate Junior Assistants/Typists/Steno-typists. The said order was actually a continuation of a similar benefit granted after the implementation of the 4th Pay Commission recommendations in G.O.Ms.No.742, Finance (Pay Cell) Department, dated 11.7.85. Prior to the 4th Pay Commission and during the period thereafter, the Village Administrative Officers were granted higher start of pay for possessing Graduate qualification.

3. In the year 1988, the post of Village Administrative Officer was included under Category 14A of the Ministerial Service, under G.O.Ms.No.362, dated 21.6.1988, and they were treated as equivalent in grade with Junior Assistants. While so, the Government Order, G.O.Ms.No.915, Finance (Pay Cell) Department, dated 17.8.89, was treated by some of the Heads of the units as being applicable only to the categories of Junior Assistants, Typists and Steno-typists. Therefore, the petitioner association had taken up the matter and after due deliberations, a Government Order in G.O.Ms.No.518, Finance (Pay Cell) Department, dated 1.8.1992, was passed. The said Government Order recognised the fact that the possession of a degree would be useful to the Village Administrative Officers in discharging their duties. In such circumstances, the benefit of higher start of pay had been granted to the Village Administrative Officers. However, the Government had directed that the orders shall take notional effect from 1.6.88 for the purpose of fixation in the revised pay scale and with the benefit only from 1.4.92. In spite of several representations, having been made to the concerned authorities, no favourable response had emerged from the respondents. Instead, the amounts already sanctioned to the various Village Administrative Officers were ordered to be recovered. In such circumstances, the petitioner association had filed the original application in O.A.No.7896/95, which has been transferred to this Court and re-numbered as W.P.No.21882 of 2006.

4. In the reply affidavit filed on behalf of the respondents, it has been submitted that orders were issued in G.O.Ms.No.915, Finance (Pay Cell) Department, dated 17.8.89, granting higher start of pay at two stages above the minimum of the scale of pay of Rs.975-25-1150-30-1660 i.e. at Rs.1025 to the Graduate Junior Assistant/Typists/Steno-typists. Prior to the 5th Pay Commission, similar concessions have been granted to the said categories. The 4th Pay Commission, as well as the 5th Pay Commission have not made any recommendations for higher start of pay to the post of Village Administrative Officers, who were graduates. However, the Government had examined the request of the petitioner association and had referred the same to the Official Committee, which was constituted for examining the issues arising out of the 5th Pay Commission recommendations.

Based on the recommendations of the Official Committee, orders were issued in G.O.Ms.No.518, Finance (Pay Cell) Department, dated 1.8.1992, granting higher start of pay to graduate Village Administrative Officers, notionally, with effect from 1.6.88 with monetary benefits from 1.4.92. Since it is a general policy of the Government, the petitioner cannot question the same.

5. In view of the submissions made by the learned counsels appearing on behalf of the petitioner association, as well as the respondents, this Court is of the considered view that the concession granted by the Government in G.O.Ms.No.518, Finance (Pay Cell) Department, dated 1.8.1992, granting higher start of pay to graduate Village Administrative Officers, notionally, with effect from 1.6.88, with monetary benefits from 1.4.92, cannot be challenged by the petitioner Association, as it is a matter of policy, based on which the Government had acceded to the requests of the Village Administrative Officers to be placed on par with the Junior Assistants for grant of higher start of pay. It cannot be said that the Government Order in G.O.Ms.No.518, Finance (Pay Cell) Department, dated 1.8.1992, infringes the rights of the members, in any manner.

6. The petitioner Association has not shown sufficient cause or reason to substantiate its claims to persuade this Court to grant the reliefs as prayed for in the writ petition. However, with regard to the apprehension of the petitioner Association that the benefits granted to some of its members would be recovered based on the communication in Lr.No.84087/E.Spl.1/94-2, dated 8.8.95, issued by the Deputy Secretary to Government, Revenue Department, expressing the opinion that excess amounts paid should be recovered, this Court is of the opinion that the said letter, dated 8.8.95, has been addressed to the Special Commissioner and the Commissioner of Revenue Department and therefore, it is only an internal communication and it could not be construed as a recovery order affecting the members of the petitioner Association. However, it is made clear that if and when such recovery orders are issued by the authorities concerned, attempting to recover the amounts already granted to the members of the petitioner Association, it would be open to them to challenge the same in the manner known to law, if so advised.

With the above observations, the writ petition stands dismissed. No costs.

Index:Yes/No 19-06-2008 Internet:Yes/No csh To

1. The Secretary to Government, State of Tamilnadu, Finance (Pay Cell) Department, Fort St. George, Madras-9.

2.The Secretary to Government, Revenue Department, Fort St. George, Madras-9.

3.The Principal Commissioner and Commissioner for Revenue Administration Chepauk, Madras-5.

M.JAICHANDREN,J.

csh Writ Petition No.21882 of 2006 19-06-2008