



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

Letter No.53137/Pay Cell/2015-1, dated: 25--9--2015.

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

To

All Additional Chief Secretaries/ Principal Secretaries /
Secretaries to Government, Chennai-9.
The Secretary, Legislative Assembly, Secretariat, Chennai-9.
The Secretary to the Governor, Chennai--32.
The Comptroller, Governors Household, Raj Bhavan, Chennai-32.
The Secretary to the Governor, Guindy, Chennai--32.
The Governor's Secretariat, Raj Bhavan, Guindy, Chennai- 32.
All Departments of Secretariat(OP/Bills), Chennai – 9.
All Heads of Department.
All Collectors / All District Judges / All Chief Judicial Magistrates.
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 Registrar General, High Court, Chennai- 104.
The Chairman, Tamil Nadu Public Service Commission, Chennai-3.
The Registrar of all Universities in Tamil Nadu.
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.
The Commissioner of Tribunal for Disciplinary Proceedings,
No.6, Manickeswari Road, Chennai-10.
The Commissioner, Corporation of Chennai / Madurai / Coimbatore
/Tiruchirapalli / Salem / Tirunelveli, Tuticorin, Vellore, Tirupur, Erode.
All State Owned Corporations and Statutory Boards.
All Divisional Development Officers / Revenue Divisional Officers / Tahsildars.
All Block Development Officers / Municipal Commissioners.
All Chief Educational Officers / Panchayat Union Commissioners.

The Project Co-ordinator, Tamil Nadu Integrated Nutrition Project,
No.570, Anna Salai, Chennai-18.
All Recognised Service Associations.

Sir,

Sub: Contempt Petition No.350 of 2015 in W.A.No.810 of 2012 filed by Thiru.R.Ravi Raj, General Secretary, Association of Engineers – Dismissed by the Hon'ble Division Bench – Review of Government Instructions issued with reference to admissibility of higher pay scales to the Assistant Engineers and other equivalent posts – Further Instructions – Regarding.

- Ref:
- 1) G.O.Ms.No.234, Finance(Pay Cell) Department,dated:01.06.09.
 - 2) G.O.Ms.No.71, Finance(Pay Cell) Department, dated:26.02.11.
 - 3) G.O.Ms.No.242, Finance(Pay Cell) Department,dated:22.07.13.
 - 4) Government Letter No.46373/PC/2013-1,dated 26.08.13.
 - 5) Judgement order of the Hon'ble Division Bench of Madras High Court dated 27.2.2014 in W.A.Nos.504 of 2012 and other batch cases and W.P.Nos.13580 of 2011 / W.P.No.21525 of 2013 and other batch cases.
 - 6) Government Letter No.46373/PC/13-8,dated 27.3.14.
 - 7) Government Letter No.27670 /CMPC/14-1,dated 28.5.14.
 - 8) Government Letter No.44961 /CMPC/14-1,dated 20.11.14.

I am to invite attention to the references cited.

2) In the reference fifth cited, the Hon'ble Division Bench of Madras High Court in its order dated 27.2.14 in W.A.Nos.504 of 2012 and other batch cases among others, in para 51(V) has directed that the implementation of the orders issued in the Government Order second and third cited in so far as it affects any category of Government Servants / Pensioners / Family Pensioners which are not implemented as on today shall not be implemented till fresh decision is taken.

3) In the reference sixth cited, necessary clarification has been issued to the effect that there shall not be any reduction in the pay of employees and pension of Pensioners / Family Pensioners pursuant to the orders issued in the Government orders second and third cited and the Pay and Accounts Officers were requested to admit the pay bills of the employees and in the case of Pensioners / Family Pensioners without any reduction in pay / Pension / Family pension to the Pensioners / Family Pensioners till further orders from Government.

4) In the reference seventh cited, it was subsequently clarified that the instructions issued in the Government letter sixth cited is also applicable to all those employees promoted after the issue of Government orders second and third cited. It was also instructed to admit the pay bills presented by the Drawing and Disbursing officers for fixation of pay of Assistant Engineers, Assistant Executive Engineers, and Executive Engineers in PWD, Automobile Engineers in Motor Vehicle Maintenance Department and other equivalent posts in other departments in the higher scales of pay as per One Man Commission recommendations until further orders from Government.

5) In the reference eighth cited, based on the clarification sought for by the Engineer-in-Chief (WRO) and Chief Engineer (General), PWD Department, it was clarified that the Assistant Engineers appointed by direct recruitment through TNPSC are not entitled for the higher pay scale clarified in the Government letter sixth cited. Further, it was also pointed out that the Assistant Engineers appointed by transfer and by direct recruitment from the waiting list are entitled for fixation of pay in PB2 at Rs.9300—34800 + Grade Pay Rs.5100 as ordered in G.O.Ms.No.242, Finance (Pay Cell) Department, dated 22—07—2013.

6) In the meantime, the Association of Engineers filed Contempt Petition No.350 of 2015 praying to punish the respondent for the disobedience of the order dated 27.2.14 passed by the Hon'ble Division Bench of Madras High Court in W.A.No.810 of 2012 and other batch cases following the clarification issued in Government letter eighth cited.

7) The above Contempt Petition was contested by Government by engaging the services of the learned Advocate General of Tamil Nadu. The Hon'ble High Court Division Bench in its order dated:7—9—2015 in Contempt Petition No.350 of 2015 has dismissed the contempt petition filed by the Association of Engineers as withdrawn.

8) In this connection, it is pointed out that in TNPSC Notification No.8 / 2014, dated:24.3.2014 applications were called for to the post of Assistant Engineer in the pay scale of Rs.9300-34800+Grade Pay Rs.5100 pursuant to G.O.Ms.No.242, Finance (PC) Department, dated:22—07—2013. Similarly, in the Notification No.10 (A)/2015, dated:5-8-2015, the pay scale of Assistant Engineers has been appropriately indicated as Rs.9300-34800+Grade Pay Rs.5100 only for the post of Assistant Engineer in the Highways Department. As such, the new recruits appointed in the post of Assistant Engineer after the issue of G.O.Ms.No.242, Finance (PC) Department, dated:22—07—2013, are entitled only to the pay scale of Rs.9300—34800 + Grade Pay of Rs.5100 as there is no anomaly in the pay scale of new recruits. Further the new recruits to the post of Agricultural Officer in the Agriculture Department and Horticulture Officer in the Horticulture Department after 22—07—2013 were erroneously granted a higher pay scale of Rs.15600—39100 + Grade Pay of Rs.5400. It has also been ordered to refix the pay of such new recruits appropriately in PB2 Rs.9300—34800 + Grade Pay of Rs.5100 and recover excess amount paid after giving due notices to such employees.

9) Based on the discrepancies brought to notice of the Court by the Association of Engineers in the mode of fixation of pay to the new recruits to the post of Assistant Engineers and equivalent categories, it was assured that proper guidelines will be issued so that all new recruits shall be granted an appropriate uniform pay scale without any discrimination and that as the new recruits have no anomaly as that of the existing incumbents who are enjoying the higher scale benefits by virtue of Court Orders which is being contested by the Government in the Supreme Court of India in the SLP(c) Nos.35679 to 35838 of 2014.

10) Considering the submission made before the Hon'ble Division Bench of Madras High Court, Government has decided to clarify the applicable uniform pay scales to the new recruits in the category of Assistant Engineer and their equivalent posts in other departments. Accordingly, I am to clarify that the employees appointed by direct recruitment or recruitment by transfer or promotion to the categories (52 Nos.) of posts covered by the G.O.Ms.No.242, Finance (PC) Department, dated:22—07—2013, on or after the date of the Government Order are entitled only to the pay scale indicated against each in the above said Government Order as there is no question of pay anomaly to the new recruits and the higher pay scales granted to the existing incumbents is being contested by the Government in the Hon'ble Supreme Court of India.

11) I am to request that all the Departments of Secretariat / Heads of Departments shall ensure that direct recruitment after 22—07—2013 to the categories mentioned in the G.O.Ms.No.242, Finance (Pay Cell) Department, dated 22—07—2013 is made appropriately with reference to the pay scales indicated in the abovesaid Government Order.

12) Any lapse in following the above instructions shall be viewed seriously and responsibility be fixed on the Heads of Departments concerned.

Yours faithfully,

 25/9/2015
for Principal Secretary to Government

Copy to:

The Secretary, Tamil Nadu Public Service Commission, Chennai.

The Personnel and Administrative Reforms Department, Secretariat, Chennai-9.

Stock File / Spare Copy.