



## ABSTRACT

Pay – Personal pay – Grant of 5% Personal Pay to the post of Typist Grade-I and Record Assistant which were created after the crucial date of 1-8-1992 – Based on the Orders of the Hon'ble High Court – Orders – Issued.

### FINANCE (CMPC) DEPARTMENT

G.O.Ms.No.176

Dated: 30-04-2009

Chitrai-17

Thiruvalluvar Aandu.2040.

#### **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.497, Finance(PC) Department, dated:15-9-1998.
4. Letter No.38877/PC/2000-1, Finance(PC) Department, dated: 30-8-2000.
5. Letter No.65399/CMPC/03, Finance(PC) Department, dated: 24-2-2006.
6. From the Hon'ble High Court, Judgement Order dated: 20-11-2008 on W.P.Nos.30168, 33109, 37993, 40936, 42329, 44850, 45572, 45634, 45940, 49007, 48052, 48055, 46350, 48473 of 2006 and 2936, 7032, 8415, 8416, 8417, 8418, 12484, 13025, 18285, 18372, 31329 of 2007 and M.P.No.2107 in W.P.no.13025/07 and M.P.Nos.1 and 2 of 2007 in W.P.No.31329 of 2007.

\*\*\*\*\*

#### **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 scale of pay of Rs.475—775 moving over to the revised scales of pay of Rs.775—1030.

(ii)All categories of staff in the pre-revised scale of pay of Rs.610—1075 moving over to the revised scales of pay of Rs.950—1500 or Rs.975--1660.

(iii)All categories of staff in the pre-revised scale of pay of Rs.705—1230 moving over to the revised scales of pay of Rs.1200—2040, and

(iv)All categories of staff in the pre-revised scales of pay of Rs.905—1545 moving over to the revised scale of pay of Rs.1600—2660.

/p.t.o./

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 27-06-1989 i.e. the date of issue of orders implementing the Fifth Tamil Nadu Pay Commission scales of pay.

3. A batch of writ petitions were filed in the Hon'ble High Court by various categories of posts in various departments requesting grant of 5% Personal Pay to them, in which the Hon'ble High Court has issued a Common Orders for all these writ petitions. One among them is W.P.No.46007/2006, filed by Tamil Nadu Government Officials Union requesting to quash the clarification issued in Government Letter No.31143/PC/2000-1, dated: 7-6-2000 and in Government Letter No.38877/PC/2000-1, dated:30-8-2000 and to allow 5% Personal Pay to the Typist Grade-I and Record Assistant. As the other 24 writ petitions were not received in Government, Government has decided to implement the court orders in respect of W.P.No.46007/2006 in the first instant.

4. As per the clarifications issued in Government Letter No.31143/PC/2000-1, dated:7-6-2000 and Government Letter No.38877/PC/2000-1, dated:30-8-2000, a batch of Writ Petitions were filed in the High Court requesting grant of 5% Personal Pay to the post of Typist Grade-I (Rs.1200—2040) and Record Assistant (Rs.975—1660) which were created after 1-8-1992. These two posts were not in existence neither on 27-6-1989 nor on 1-8-1992 as envisaged in the Government Order first read above. As these two categories i.e., Typist Grade-I and Record Assistant do not come under the ambit of the above Government Order the benefit of 5% Personal Pay was denied to these categories. Aggrieved by this, the Tamil Nadu Government Officials Union and several other individual employees approached the High Court for the grant of 5% of Personal Pay to these two categories. The Hon'ble High Court in its common Judgement Order dated:20-11-2008 in the reference 6<sup>th</sup> read above has cited its earlier judgement delivered in similar cases relating to the Writ Petitions filed by Judicial employees and allowed all these Writ Petitions.

5. Based on the directions of the Hon'ble High Court in its Judgement order dated:10-3-2006 in W.P.Nos.26156 and 13143 / 2000 directing the Government to grant 5% personal pay to certain categories of employees in Tamil Nadu Judicial / Ministerial Service who have moved from the pre-revised scales of pay of Rs.780—1385 to Rs.1400—2600 which was subsequently revised to Rs.1600—2660, Government has issued necessary directions to the Registrar General, High Court in Letter No.65399 / Finance Department, dated:14-2-2006 to implement the orders of the Hon'ble High Court extending the benefit of 5% Personal Pay to the employees of Judicial / Ministerial service. Citing these cases, the Hon'ble High Court in its order.

dated:20-11-2008 in W.P.No.46007/2006 has now directed the Government to extend the benefit of 5% of the Personal Pay to the post of Typist Grade-I and Record Assistant which were created after the crucial date of 1-8-1992 i.e., during the year 1994.

6. After careful consideration, Government has decided to implement the orders of Hon'ble High Court dated:20-11-2008 in W.P.No.46007/2006 in respect of the posts of Typist Grade-I and Record Assistant. Accordingly, Government direct that the post of Typist Grade I and Record Assistant shall be granted 5% of basic pay as 'Personal Pay' from the date of creation of the post or from 1-8-92 whichever is later.

7. In respect of other 24 writ petitions referred to in the Judgement Order sixth cited, orders will be issued by the Government separately.

(BY ORDER OF THE GOVERNOR)

**K.GNANADESIKAN,**  
PRINCIPAL SECRETARY TO GOVERNMENT.

To

All Secretaries to Government.

The Secretary, Legislative Assembly Secretariat, Chennai-9.

The Comptroller, Governor's Household, Raj Bhavan, Chennai-32.

The Secretary to the Governor, Chennai-32.

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

All Departments of Secretariat.

All Departments of Secretariat (Bills).

All Heads of Departments.

The Accountant General, Chennai-18/9/35/Madurai.

All PAOs/TOs/STOs.

The Registrar General, High Court, Chennai-104.

All District Collectors / District Judges / Chief Judicial Magistrates.

The Secretary, TNPSA, Chennai-2.

Copy to :

The Private Secretary to the Chief Secretary to Government, Chennai-9.

The Tamil Nadu Government Officials Union, Chepauk, Chennai-5.

Thiru S.M.Subramaniam, Counsel,

No.12, Francis Joseph Street, Parrys, Chennai-1.

Stock file / Spare copy.

// Forwarded / By Order //

பா. கிருஷ்ணமூர்த்தி  
SECTION OFFICER. 4.5.09  
4/5/09