

GOVERNMENT OF TAMIL NADU

FINANCE (CMPC) DEPARTMENT

G.O.Ms. No. 538, Dated 27th November 2000
(Vikkirama, Karthigai-12, Thiruvalluvar Aandu 2031)

Revised scales of pay, 1989 and 1998 - Revision of scale of pay of Superintendent in the Tamil Nadu Ministerial Service - Revision with effect from 1.6.88 and 1.1.96 - following the orders of the Supreme Court of India - Orders Issued.

Read:

- (1) G.O. Ms. No. 666, Finance (PC) Department, dated 27.6.1989.
- (2) G.O. Ms. No. 664, Finance (PC) Department, dated 24.8.1992
- (3) G.O. Ms. No. 162, Finance (PC) Department, dated 13.4.1998.
- (4) G.O. Ms. No. 428, Finance (PC) Department, dated 28.8.1998.
- (5) G.O. Ms. No. 497, Finance (PC) Department, dated 15.9.1998.
- (6) From the Tamil Nadu Administrative Tribunal O.A.No. 5928/1993 filed by Tamil Nadu Office Superintendents Association - Judgement order dated 17.4.1996.
- (7) Special Leave Petition C.A.No. 14148/96 in O.A.No. 5928/93, Judgement dated 18.7.2000.

ORDER:

Prior to 1.6.88, the pay scale of Superintendent in Tamil Nadu Ministerial Service was Rs.905-45-1445-50-1545 and the pay scale of Assistant Section Officer in Secretariat was Rs. 780-35-1025-40-1385. While conceding the demands of several service Associations of employees, the Government introduced specific terms of reference to the Fifth Tamil Nadu Pay Commission so as to consider the demand for extension of central scales of pay. The Fifth Tamil Nadu Pay Commission has recommended the Central Scales of pay to the employees of the State and it has granted the revised scale of pay of Rs. 1600-2660 to Superintendents as available in Central Government Offices and granted the scale of pay of Rs. 1400-2600 to Assistant Section Officer to

Secretariat which is on par with similar category of Assistant in the Central Secretariat. Subsequently, the Government of India have revised the pay scale of Assistant in the Central Secretariat as Rs.1640-2900 based on the directions of Central Administrative Tribunal. Consequent to this, the pay scale of Assistant Section Officer in the Tamil Nadu Secretariat was revised further as Rs.1640-2900 on par with the Assistant in Central Secretariat with effect from 1.6.1988.

2. The Tamil Nadu Office Superintendents Association has filed an Original Application No. 5928/93 for revision of scale of pay for Superintendent as Rs.1820-3200 with effect from 1.6.88 with all consequential benefits. The Hon'ble Tribunal in their order dated 17.4.96 has directed the State Government to grant the pay scale of Rs. 1820-3200 to Superintendent with effect from 1.6.88 with all consequential benefits within four weeks from the date of receipt of a copy of judgement order.

3. Government have filed Special Leave Petition in the Supreme Court of India against the orders of the Tamil Nadu Administrative Tribunal dated 17.4.96 in O.A. No.5928/93 and obtained Stay Order. The Supreme Court in their order dated 18.7.2000 has quashed the orders of the Tribunal for grant of the scale of pay of Rs. 1820-3200. However, the Supreme Court has directed the Government to fix appropriate scale of pay for Superintendent. The orders of Supreme Court are extracted below:

“ x x x x

Following the aforesaid direction of this Court, we set aside the impugned direction contained in paragraph 14 of the order of the Tribunal and we direct that the State Government should fix up the pay scale of Superintendent in the Ministerial cadre bearing in mind that these category of employees have all along been given a higher pay than the Assistant Section Officer of the Secretariat cadre”

4. The opinion of the Additional Advocate General, Tamil Nadu has been obtained on the judgement of Supreme Court and he has opined that appropriate pay scale may be fixed for Superintendent in Ministerial Service based on the duties and responsibilities assigned to Superintendents compared to those of Assistant Section Officer of Secretariat.

5. The Assistant Section Officer in the Secretariat was given appropriate

Central scales of pay as granted to Assistant in the Central Secretariat viz., Rs. 1400-2600 and then Rs. 1640-2900 in the Fifth Pay Commission scale of pay with effect from 1.6.88. Similarly, the Superintendent in the Ministerial Service was given Rs.1600-2660 with effect from 1.6.88 as granted to Superintendent working outside the Central Secretariat and the difference in the revised scale was due to adoption of Central Scale of pay to State Government employees with effect from 1.6.88. Subsequently, the Government have also granted personal pay to the Superintendent category at 5% of basic pay with effect from 1.8.92.

6. As for the duties and responsibilities of Assistant Section Officer in Secretariat, they are responsible for noting and drafting and also assisting to Section Officer in charge of the Section. The Assistant Section Officer is second level in Secretariat (above Assistant) and the minimum qualification for Assistant is a degree. Superintendent in Tamil Nadu ministerial service is the head of the section in the Heads of Department and it is a third level post above Junior Assistant and Assistant and the minimum qualification is pass in S.S.L.C. Since the Assistant Section Officers in Secretariat attends to important issues on policy decisions, the job responsibilities of Assistant Section Officers may be considered equal to those of the Superintendents in Ministerial Service.

7. However taking note of the observation made by the Supreme of Court of India and opinion given by Additional Advocate General, the Government have examined the possibilities of providing a higher pay scale for Superintendent above that of Rs. 1640-2900. The Government after careful consideration have decided to provide new scale of pay of Rs. 1700-60-2480-75-3005 for the post of Superintendent. They accordingly direct that the pay scale of Superintendent in Tamil Nadu Ministerial service be revised as Rs. 1700-60-2480-75-3005 with effect from 1.6.88 and corresponding new pay scale of Rs. 5700-175-9200 with effect from 1.1.1996.

8. The Government also direct that consequent on grant of higher revision of pay scale given to superintendent with effect from 1.6.88 and 1.1.96 the Superintendents are not eligible for 5% of basic pay granted as personal pay given from 1.8.92 and 1.9.98 and the personal pay shall be adjusted in arrears while fixing the pay in the revised scales as ordered in para-7 above.

9. The pay fixation in the pay scale of Rs. 1700-60-2480-75-3005 with

effect from 1.6.88 shall be made as per provisions in Tamil Nadu Revised Scales of Pay Rules, 1989 and the pay fixation in the pay scale of Rs. 5700-175-9200 with effect from 1.1.1996 as ordered in the preceding paragraph shall be made as per provisions in Tamil Nadu Revised Scales of Pay Rules, 1998. While fixing the pay with effect from 1.6.88 the arrears due for the period from 1.6.88 to 31.5.89 shall be credited in the G.P.F. accounts of the employees as per para 8(vii) of G.O. first read above. The arrears due after fixation of pay in the revised scales with effect from 1.1.96, for the period from 1.1.96 to 31.3.98, shall be paid at 40% in cash and the balance 60% shall be credited into GPF Account.

10. The Government accordingly issued the following notification:

Under Rule 9 of the Tamil Nadu Revised Scales of Pay Rules, 1989, the Governor of Tamil Nadu hereby makes the following amendment to the Schedule to the said Rules. The amendment hereby made shall be deemed to have come into force with effect from 1st June 1988.

Amendment

In the said schedule, under the heading "Common Categories" the following shall be substituted for Serial Number 1.

Column (1)	Column(2) Rs.	Column (3) Rs.
1. Superintendent	905-1545	1700-3005

(By Order of the Governor)

Girija Vaidyanathan
Special Secretary to Government