

## ABSTRACT

Official Committee pay revision – Implementation of revision of scale of pay and allowances, etc. Applicability of Selection Grade / Special Grade scale of pay – Revised orders – Issued.

### **FINANCE (Pay Cell) DEPARTMENT**

**G.O.Ms.No.114**

**Dated:06—05—2014.**

Jeya, Chithirai, 23.

Thiruvalluvar Aandu,2045.

#### **READ :**

1. G.O.Ms.No.162, Finance (Pay Cell) Department, dated: 13—4--1998.
2. Government Letter No.96900 / Pay Cell / 98-2, Finance Department, dated: 31—12—98.
3. Judgement order dated: 06—8—2007 in W.P.No.34800 of 2006.
4. Government Letter No.63685 / CMPC /2006-1, Finance Department, dated: 01—10—2007.
5. Judgement order dated: 30—9—2008 in W.P.Nos. 4288 / 2008, 4290/2008, 13524/2008,4254/2008, 4255/2008, 4256 / 2008, 4257/2008, 33874 / 2007 and 2865 / 2008.
6. Judgement Order dated: 1—9—2009 in W.A.Nos.383 to 391/ 2009 and W.P.No.863 / 2009.
7. S.L.P. No. 35969 of 2009 filed by Government in the Supreme Court of India against Tvl. V. Mariappan and 143 Drivers.
8. Judgement order dated: 18—11—2013 in W.P.Nos.1418, 10946 to 10948,10974,11285, 18275, 18770 to 18789, 18880, 18881, 19501, 20605 to 20650, 22279 to 22299 and 22342 to 22355 of 2013.

#### **ORDER:**

In the Government Order read above, orders were issued implementing the recommendations of the Official Committee, 98 constituted to extend the recommendations of the Fifth Central Pay Commission to the State Government employees / teachers. In the said Government Order necessary orders were issued relating to Pay Scales, applicable Dearness Allowance, mode of pay fixation, applicability of Selection Grade / Special Grade scale of pay, House Rent Allowance, City Compensatory Allowance. The applicable list of pay scales and revised Selection Grade / Special Grade scales of pay have been appended in Schedule—I and II of the said Government Order as listed below:--

**/p.t.o./**

**SCHEDULE -- I**

**LIST OF PAY SCALES**

Group (1)	Existing Scale (2) Rs.	Revised Scale (3) Rs.
I	5500--200--6500	17400--500-- 21900
II	5100--150--5700	16400--450--20000
III	4500—150--5700	15000—400--18600
IV	4100--125—4850—150--5300	14300—400--18300
V	3950—125--4700—150- -5000	12750--375--16500
VI	3700—125--4700—150--5000	12000—375--16500
VII	3000—100—3500—125--4500	10000—325--15200
VIII	2500—75—2800--100-4200	9100—275--14050
IX	2200--75--2800--100--4000	8000--275--13500
X	2000—60—2300--75—3200—100--3500	6500--200--11100
XI	2000—60—2300—75--3200	6500—200--10500
XII	1820—60--2300—75--3200	5900—200--9900
XIII	1640—60—2600--75--2900	5500—175--9000
XIV	1600--50—2300--60--2660	5300--150--8300
XV	1400--40—1600--50—2300--60--2600	5000—150--8000
XVI	1350--30--1440--40--1800--50--2200	4500--125--7000
XVII	1320—30--1560—40--2040	4300—100--6000
XVIII	1200--30—1560--40--2040	4000—100--6000
XIX	1100--25—1150—30--1660	3625—85--4900
XX	975--25--1150--30--1660	3200—85--4900
XXI	950--20—1150--25--1500	3050--75—3950--80--4590
XXII	825—15--900--20--1200	2750 --70--3800--75--4400
XXIII	800--15—1010—20--1150	2650--65—3300--70--4000
XXIV	775—12—835--15--1030	2610—60--3150--65--3540
XXV	750—12—870—15--945	2550--55--2660--60--3200

Among others, in respect of Selection Grade / Special Grade scales of pay the following orders were issued:--

**SCHEDULE --II**

**REVISED SELECTION GRADE AND SPECIAL GRADE SCALE OF PAY**

Sl. No. (1)	Ordinary Grade (2)	Selection Grade (3)	Special Grade (4)
	(Rs.)	(Rs.)	(Rs.)
1	2550-55-2660-60-3200	2650-65-3300-70-4000	2750-70-3800-75-4400
2	2610-60-3150-65-3540	2750-70-3800-75-4400	3050-75-3950-80-4590
3	2650-65-3300-70-4000	3050-75-3950-80-4590	3200-85-4900
4	2750 70-3800-75-4400	3050-75-3950-80-4590	3200-85-4900
5	3050-75-3950-80-4590	4000-100-6000	4300-100-6000
6	3200-85-4900	4000-100-6000	4300-100-6000
7	3625-85-4900	4300-100-6000	4500-125-7000
8	4000-100-6000	5000-150-8000	5500-175-9000
9	4300-100-6000	5000-150-8000	5500-175-9000
10	4500-125-7000	5300-150-8300	5900-200-9900
11	5000-150-8000	5500-175-9000	6500-200-10500
12	5300-150-8300	6500-200-10500	8000-275-13500
13	5500-175-9000	6500-200-10500	8000-275-13500
14	5900-200-9900	8000-275-13500	9100-275-14050
15	6500-200-10500	8000-275-13500	9100-275-14050
16	6500-200-11100	9100-275-14050	10000-325-15200
17	8000-275-13500	9100-275-14050	10000-325-15200
18	9100-275-14050	10000-325-15200	12000-375-16500

**SELECTION GRADE AND SPECIAL GRADE SCALES OF PAY:**

The Selection Grade and Special Grade will be the corresponding revised scales based on the existing pay scales of these grades. The appropriate revised scales of pay for Selection Grade / Special Grade are indicated in Schedule--II to the Tamil Nadu Revised Scales of Pay Rules, 1998. Provided further, Selection Grade and Special Grade scales shall be regulated as below :-

- (i) For posts, having no promotional avenue, the Selection Grade and Special Grade shall be allowed as indicated in Schedule--II.

- (ii) For posts having promotional posts, if the Selection Grade scale of pay indicated in the said Schedule is higher than the pay scale of promotional post, the Selection Grade scale should be limited to the pay scale of the first level promotion post. Similarly, if the Special Grade scale is higher than the pay scale of second level promotion post, the Special Grade scale shall be limited to the pay scale of second level promotion post only.

The existing procedure for movement to Selection Grade / Special Grade and fixation of pay in these grades shall continue to be adopted in future in the revised scales also.

2) Subsequently, instances were brought to notice of Government that in certain Taluk Offices, the Selection Grade / Special Grade scale of pay of Drivers was erroneously fixed as Rs.5000—8000 and Rs.5500—9000 considering the Ordinary Grade scale of pay of Drivers as Rs.4000—6000 instead of Rs.3200—4900. Consequent on the representation made by other departmental Drivers to revise their Selection Grade / Special Grade scales of pay as was done in certain Taluk Offices. Accordingly, the Government issued necessary clarification in the letter second read above that the applicable Ordinary Grade, Selection Grade and Special Grade scales of pay of Drivers are Rs.3200—4900, Rs.4000—6000 and Rs.4300—6000 respectively as against the pre-revised scale of pay of Rs.975—1660, Rs.1200—2040 and Rs.1320—2040. It was also instructed to review such wrong fixations and effect recoveries wherever excess payments were made.

3) The Drivers in various department have filed Writ Petition seeking unintended higher Selection Grade / Special Grade scales of pay of Rs.5000—8000 and Rs.5500—9000 respectively. In the judgement order third read above, the Hon'ble High Court has quashed the Government letter second read above stating that a clarificatory letter cannot override a Government order and thereby directed to consider the request of the petitioners in the light of the orders issued in the Government Order first read above.

4) Subsequently, the Hon'ble High Court in various judgements have allowed the prayer of the writ petitioners (Drivers) of various department to grant the Selection Grade / Special Grade scales of pay of Rs.5000—8000 and Rs.5500—9000 to the Drivers as per Schedule—II of the G.O. first read above on the basis that the Ordinary Grade scale of pay of the Driver is Rs.4000—6000 instead of Rs.3200—4900 with effect from 1—1—96. Even no order has been issued in Government fixing the Ordinary Grade scale of pay of the Driver as Rs.4000—6000 with effect from 1—1—96. Therefore, such writ petitions have been contested by various department on appeal and in cases where the Writ Appeals have also been dismissed affirming the orders passed in the writ petitions. In such cases, the departments have been instructed to file Special Leave Petition in the Supreme Court of India. Accordingly, the issue stands to lie at various stages.

5) In the meantime the Learned Single Judge of High Court of Madras on 18—11—2013 has dismissed the W.P.Nos.1418, 10946 to 10948 of 2013 and batch cases filed by the Drivers in various departments of the Tamil Nadu Government seeking higher Selection Grade / Special Grade scales of pay of Rs.5000—8000 and Rs.5500—9000. The above judgement is extracted below:--

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“ 51) Therefore, if it is taken that the learned single Judge in the order dated: 30—9—2008 in W.P.No.4288 of 2008 and the Division Bench affirming the said order in the Judgement dated: 1—9—2009 in W.A.No.383 of 2009 have given direction to implement Selection Grade / Special Grade pay as per G.O.Ms.No.162, Finance (PC ) Department, dated: 13—4—98, the petitioners are entitled to get 4000—6000 and 4300—6000 as Selection / Special Grade since admittedly their Ordinary Grade Pay is Rs.3200—4900, as per G.O.Ms.No.162, dated: 13—4—98 and the G.O.Ms.No.162 nowhere granted the benefit of Selection Grade and Special Grade pay to the petitioners, who are Drivers, at Rs.5000—8000 and Rs.5500—9000, since the same is applicable to the Ordinary Grade Pay of Rs.4000—6000.

52) The claim for grant of Selection Grade and Special Grade at Rs.5000—8000 and Rs.5500—9000 is based on erroneous fixation at some places in some depts. and the petitioners are not able to point out as to how they are entitled to the Ordinary Grade scale of pay at Rs.4000—6000 as on 1-1-96 as per G.O.Ms.No.162, Finance (Pay Cell ) Department, dated: 13—4—98, and unless the petitioners establish that they are entitled to the O.G. pay of Rs.4000—6000 they are not entitled to the corresponding Selection / Special Grades pay of Rs.5000—8000 and Rs.5500—9000. On the other hand, as per G.O. dated: 13—4—98 the Ordinary Grade scale of pay of the Drivers is Rs.3200—4900 as on 1—1—96 and the persons, who were in receipt of Rs.1200—2040 prior to 1—1—96, were only given Rs.4000—6000 revised scale of pay, but the Drivers were not given Rs.1200—2040 (as Ordinary Grade scale of pay) before 1—1—96 and they were given only Rs.975—1660 for which Rs.3200—4900 is the corresponding Ordinary Grade pay.”

6) In the light of the above facts and circumstances, the Government after careful consideration have decided to issue necessary revised orders to para—4 of the G.O. first read above. Accordingly the following revised orders are issued:-

**SELECTION GRADE AND SPECIAL GRADE SCALES OF PAY:**

4. The Selection Grade and Special Grade scales of pay will be applicable based on the Ordinary Grade scale of pay of the respective posts. The appropriate revised Selection Grade / Special Grade scales of pay based on the Ordinary Grade scale of pay are indicated in Schedule -II of the above said G.O. Provided further, Selection Grade and Special Grade scales of pay based on the Ordinary Grade scales of pay of the respective posts shall be regulated as below:--

- (i) For posts, having no promotional avenue, the Selection Grade and Special Grade scales of pay based on the Ordinary Grade scale of pay shall be allowed as indicated in Schedule--II.

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- (ii) For posts having promotional posts, if the Selection Grade / Special Grade scales of pay indicated in the said Schedule--II is higher than the pay scale of the first level / second level promotional posts then in such cases, the Selection Grade / Special Grade scales of pay should be limited to the pay scales of the first level / second level promotional posts respectively.

The existing procedure for movement to Selection Grade / Special Grade and fixation of pay in these grades shall continue without any change.

7) In the light of the above revised orders, the applicable Ordinary Grade, Selection Grade and Special Grade scales of pay of Drivers shall be regulated as follows:--

- i) The Ordinary Grade scale of pay of Drivers with effect from 1—6—88 under Common Category is Rs.950—1500 as against the pre-revised scale of pay of Rs.610—1075 (vide—G.O.Ms.No.666, Finance (PC) Department, dated: 27—6—89). Subsequently, the Ordinary Grade scale of pay of Driver was revised from Rs.950—1500 to Rs.975--1660 with effect from 1—6—88 (vide—G.O.Ms.No.818, Finance (PC) Department, dated: 09—8—89).
- ii) As per Schedule—I of G.O.Ms.No.162, Finance (PC) Department, dated: 13—4—98 the corresponding revised scale of pay of Driver with effect from 1—1—96 is Rs.3200—4900 as against the pre-revised scale of pay of Rs.975—1660 as mentioned in Group—XX therein.
- iii) As per Schedule—II of G.O. Ms. No.162, Finance (PC) Department, dated: 13—4—98 the Ordinary Grade, Selection Grade and Special Grade scales of pay is as follows:--

Sl. No.	Ordinary Grade Rs.	Selection Grade Rs.	Special Grade Rs.
6.	3200—85—4900	4000—100—6000	4300—100—6000

8) All the Heads of Department / Heads of offices are instructed to adhere the above instructions scrupulously and any failure to follow the same will be viewed seriously and necessary disciplinary action will be initiated as per rules against the person who are responsible for the said lapses. Likewise, all the Heads of Department are directed to ensure that the above instructions are followed without fail in the departments under their control and any lapses if any found responsibility will be fixed against them.

9) This Government order shall not be applicable to cases where orders have been issued in pursuant to Court directions where the verdict reached finality.

(BY ORDER OF THE GOVERNOR)

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

To

All Principal Secretaries / Secretaries to Government, Chennai-9.  
The Secretary, Legislative Assembly, Secretariat, Chennai-9.

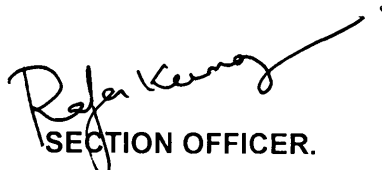
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