

(2011) 11 MAD CK 0058

Madras High Court

Case No: Writ Petition No. 2211 of 2007

Tamil Nadu Retired Revenue
Officials Forum, Vellore

APPELLANT

Vs

The Secretary to Government of
Tamil Nadu, Finance (Pay Cell)
Department, Fort St. George,
Chennai-9

RESPONDENT

Date of Decision: Nov. 30, 2011

Hon'ble Judges: D. Hariparanthaman, J

Bench: Single Bench

Advocate: M.S. Umapathy and Mr. K. Rajkumar, for the Appellant; R.M. Mutthukumar
Govt. Advocate, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Honourable Mr. Justice D. Hariparanthaman

1. The petitioner Association has filed O.A. No. 4696 of 2011 seeking for direction to the respondents to re-fix the scale of pay of Tahsildar as on 1.6.1986 on par with Assistant Accounts Officer of Treasury Department as fixed in G.O. No. 336 Finance Department dated 20.6.2007 and consequently to direct the respondents to disburse the arrearRs.

2. According to the petitioner, the Tahsildars and Block Development Officers are not given the pay of Assistant Accounts Officer in the Treasury Department. According to the petitioner, when the Government implemented the recommendation of Fifth Pay Commission with effect from 1.6.1988, the Tahsildars are given different pay scale from that of Assistant Accounts Officers, Treasury Department. Earlier, the Tahsildars, Block Development Officer, and Assistant Accounts Officers, Treasury Department were receiving the same scale of pay.

3. The Block Development Officers filed O.A. No. 6080 of 1998 before the Tamil Nadu Administrative Tribunal claiming the pay of Assistant Accounts Officer and on abolition of the Tribunal, the same got transferred to this Court and re-numbered as W.P. No. 34661 of 2006 (P. Mani vs. State rep. by th Secretary to Government, Finance Department). A learned single Judge of this Court dismissed the said writ petition by Order dated 17.9.2009 holding that this Court could not interfere with the executive function relating to pay fixation. In my view, the said Order squarely applies to the facts of this case. Para 4 of the said Order is extracted hereunder:

4. In [S.C. Chandra and Others Vs. State of Jharkhand and Others](#), the Supreme Court has held that the function of pay fixation is an executive function and under the guise of judicial review, the Court cannot encroach into the territory exclusively meant for the other wing of the Government. In the light of the same, the writ petition shall stand dismissed. No costs.

4. In view of the same, the writ petition is dismissed. No costs.