

W.P.NO.10336 OF 2015
AND M.P.NO.1 OF 2015

D.HARIPARANTHAMAN, J.

The petitioner was appointed as Health Assistant on 10.08.1965 in Palani Municipality. He was promoted as Sanitary Inspector on 20.09.1969. He retired from service on 31.03.1999.

2.According to the petitioner, the Selection Grade and Special Grade to the post of Sanitary Inspector shall be given by counting the service rendered as Health Assistant also, if one was promoted as Sanitary Inspector before 01.06.1988, as per the Government Letter No.135409/PC/92, dated 25.01.1993 of the Finance (Pay Cell) Department. There is further restriction in G.O.Ms.No.210, Finance (Pay Cell) Department, dated 04.04.1988 that Special Grade shall be granted only with effect from 04.09.1987.

3.Based on the aforesaid Government letter dated 25.01.1993 and G.O.Ms.No.210, the second respondent, who is the Commissioner of Palani Municipality, issued a proceedings dated 01.07.2014 correctly fixing the pay of the petitioner. As per the said proceedings, the basic pay of the petitioner at that time of retirement was Rs.7700/-. But, the first respondent erroneously proceeded in the impugned order and refused to accord approval for the aforesaid pay fixation of the second respondent, and failed to consider the aforesaid letter dated 25.01.1993 and also G.O.Ms.No.210. On the other hand, the first respondent took into account the Government Letter No.13097/S/95-4,

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dated 13.06.1995 of the Personnel and Administrative Reforms Department and the same was extracted at the fag end of the impugned order.

4.In my view, the aforesaid Government Letter dated 13.06.1995 is not applicable and on the other hand, the Government letter dated 25.01.1993 as well as G.O.Ms.No.210 are applicable to the Sanitary Inspectors of the Municipality and the second respondent has correctly fixed the pay. Hence, there is no need to withhold any gratuity and the retirement benefits shall be fixed based on the basic pay of the petitioner at Rs.7700/- as rightly averred by the petitioner.

5.In view of the afore said facts, Mr.K.V.Dhanapalan, learned Additional Government Pleader is directed to get instructions.

6.Post this matter on 28.04.2015 for orders.

09.04.2015

Note: Issue order copy on 13.04.2015

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