

120
399 A1
Roc. No.16184/2019/G2



Dated: 05.03.2019

From

C. Kumarappan, B.Sc., B.L.,
Registrar General,
High Court, Madras.

To
XXX

Sir/Madam,

Sub : Selection Grade/Special Grade Junior Bailiffs – re-fixation of pay and consequent recovery – certain clarifications issued by the Government – Communicating of – Regarding.

- Ref :
1. Letter No.AG(A&E)/Legal Cell/WP 32844-32845/2017/1716, dated 05.02.2019 from the Office of the Accountant General (Accounts & Entitlements), Tamilnadu, Chennai -18.
 2. G.O.Ms. No.193, Finance (Pay Cell) Department, dated 06.07.2015.
 3. Government letter No.74128/Cts.V/2016-3, Home (Courts-V) Department, dated 27.03.2017.
 4. D.O.Letter No.Pen 30/II/2017-18/27026, dated 12.06.2017, of the Accountant General (Accounts & Entitlements) addressed to the Government.
 5. Government letter No.46921/Cts.V/2017-3, Home (Courts-V) Department, dated 30.08.2017, addressed to the Deputy Accountant General (Pension), Office of the Accountant General (A&E), Tamil Nadu, Chennai-18.

I am to enclose herewith a copy of the letters under reference cited for information and necessary action.

Yours faithfully,

For Registrar General



...2...

To

1. The Principal Judge, City Civil Court, Chennai.
(with a request to communicate the copy of the letters to all the courts in his unit)
2. All Principal District Judges/District Judges/The DJ-cum-CJM, The Nilgris.
(with a request to communicate the copy of the letters to all the courts in his unit)
3. The Chief Judge, Court of Small Causes, Chennai.
(with a request to communicate the copy of the letters to all the courts in their unit)
4. The Chief Metropolitan Magistrate, Egmore, Chennai.
(with a request to communicate the copy of the letters to all the courts in his unit)
5. All the Chief Judicial Magistrates.
(with a request to communicate the copy of the letters to all the courts in his unit)
6. The Pay and Accounts Officer, Chennai and Madurai.
7. The Sub Pay and Accounts Officer, Madurai.
8. All Treasury Officers.
9. The Section Officer, Legal Cell/C/C1 Section, High Court, Madras
10. The Record Keeper, A.D. Records, High Court, Madras.

Copy to:-

The Senior Accounts Officer (Legal Cell),
O/o. The Accountant General (Accounts & Entitlements), Tamil Nadu,
Teynampet, Chennai - 600 018.

District Court R.O.C.No. 3266/2019/11.03.2019

Copy Communicated to all the Judicial Officers in Madurai District (Civil Unit) and Central Nazir, Principal District Court, Madurai for information and necessary action.

Principal District Court, Madurai
Dated : .03.2019.

D.2861
12.3.2019.

Chief Administrative Officer,
Principal District Court, Madurai.

कार्यालय महालेखाकार (लेखा एवं हकदारी), तमिलनाडु

361, अण्णा सालै, तेनामपेट, चेन्नै-600018

OFFICE OF THE
ACCOUNTANT GENERAL (ACCOUNTS & ENTITLEMENTS), TAMIL NADU

361, Anna Salai, Teynampet, Chennai - 600 018

Website : www.agae.tn.nic.in Email : agae@dataone.in

Phone : 044-24324500 IVRS Phone : 24314477 Fax : 24320562

AG(A&E)/Legal Cell/WP 32844-32845/2017/1716

To

The Registrar General
High Court of Madras
Chennai 600104



Sir/Madam,

Sub: Selection Grade/Special Grade Junior Bailiffs - refixation of pay and consequent recovery - reg.

- Ref: 1. G.O. Ms. No. 193 Finance (Pay Cell) Department dated 6.7.2015
2. Government's letter No. 74128/Cts.V/2016-3 dated 27.3.2017
3. This office D.O. letter No. Pen 30/II/2017-18/27026 dated 12.6.2017 addressed to the Government
4. Government letter No. 46921/Cts.V/2017-3 dated 30.8.2017 addressed to this office

Kind reference is invited to the letters cited (copies enclosed) with regard to applicability of pre-revised scale of pay of Selection Grade/Special Grade Junior Bailiffs.

While the Government have clarified that the Selection Grade/Special Grade Scale of pay indicated in Schedule II to G.O. Ms. No. 162 dated 13.4.98 should be limited to the pay scale of its 1st level/2nd level promotional post, the Government have also decided to waive the recovery of any excess payment due to incorrect fixation of pay on this account.

It is requested that the matter may be brought to the notice of all Subordinate Drawing Officers concerned, under intimation to this office.

Yours faithfully,



Senior Accounts Officer (Legal Cell)



Abstract

Tamil Nadu Revised Scales of pay, 2009 – Revision of Grade pay to the Junior Bailiff in District Courts—Orders—Issued.

FINANCE (PAY CELL) DEPARTMENT

G.O.Ms.No.193

Dated: 06—07—2015,
Mannadha, Aani-- 21,
Thiruvalluvar Aandu-2046.

Read:

1. G.O.Ms.No.234, Finance (Pay Cell) Department, dated. 1-6-2009.
2. G.O.Ms.No.516, Home (Courts-II) Department, dated. 16-7-2013.
3. G.O.Ms.No.956, Home (Courts-V) Department, dated. 8-11-2013.
4. Government Letter No.11718 / Pay Cell / 2014-1, Finance, dated. 13-3-2014.
5. Judgement Order dated. 7-3-2013 in W.P.(MD) No.11390 of 2011.
6. Judgement Order dated. 12-3-2015 in W.P.(MD) No.3448 of 2015.
7. Representation from Tamil Nadu Bailiff Association State Center, District Court, Madurai, dated. 23-4-2015.

ORDER:

Based on the recommendations of the Official Committee, the Senior Bailiffs in the District Courts were granted the revised pay scale of Rs.5200 - 20,200 + Grade pay Rs. 2000 as against the pre-revised pay scale of Rs.3200 - 4900 equal to the post of Junior Assistant, notionally with effect from 01.01.2006 with monetary benefit from 01.01.2007. Subsequently, in G.O.Ms.No.45, Finance (PC) Department, dated 10.2.2011, among others, orders have been issued revising the pay scale of Junior Assistant from Rs.5200 - 20,200 + Grade pay Rs.2000 to Rs.5200 - 20,200 + Grade pay Rs.2400 notionally with effect from 01.01.2006 with monetary benefit from 01.02.2011.

2. Consequent on the revision of pay scale granted to the Junior Assistants, the Tamil Nadu Bailiff Association, State Center, Madurai District Court, represented by its President Thiru.T.Thambithurai, filed W.P.(MD).No.11390 of 2011 with a prayer to revise the scale of pay of Senior Bailiffs as Rs.5200-20,200 + Grade pay Rs.2400 on par with Junior Assistants / Typists. The Hon'ble High Court of Madras, Madurai Bench in its order dated. 07.03.13 in W.P.(MD)No.11390 of 2011 passed orders for granting the higher Grade Pay sought for in the representation dated

//p.t.o.//

11 MAR 2019

92 956
05.03.2013. The above matter was referred to the Pay Grievance Redressal Cell. Based on the recommendations of the Pay Grievance Redressal Cell, among others, orders were issued in the Government Order third read above, revising the pay scale of Junior Bailiff / Examiner and Reader in High Court from Rs.5200-20,200 + Grade pay Rs.2000 to Rs.5200-20,200 + Grade pay Rs.2400 notionally with effect from 01.01.2006 with monetary benefit from 01.04.2013 and the above Grade Pay enhancement was also made applicable to the Senior Bailiff in the District Courts.

3. Subsequently, the Civil Court Process Server Association, Thanjavur in their representation dated. 09.07.2012 has requested to extend the benefit of enhancement in Grade Pay to the similar post in District Courts.

4. Accordingly, in the Government letter fourth read above, it was clarified that the enhancement of Grade Pay to the Junior Bailiff in High Court as ordered in the Government Order third read above is also applicable to the Junior Bailiff in District Courts.

5. The Accountant General has now brought to notice that the pre-revised pay scale of Junior Bailiff in District Courts is Rs.3050-4590 is one level lower than the Junior Bailiff in High Court (Rs.3200 - 4900) and therefore sought clarification as to whether the enhanced Grade Pay is applicable to the Junior Bailiff in the District Courts who were drawing the revised pay scale of Rs.5200-20,200 + Grade pay Rs.1900 corresponding to the pre-revised pay scale of Rs.3050-4590.

6. In the meantime, the Tamil Nadu Bailiff Association has again filed W.P.(MD).No.3448 of 2015 to consider their earlier representations and also to increase the Grade Pay of Senior Bailiff in the District Courts from Rs.2400 to Rs.2800 and pass appropriate orders within the time limit fixed by the Court.

7. The above issue has been re-examined in detail and it is observed that the enhanced Grade Pay of Junior Bailiff in High Court was inadvertently extended to the Junior Bailiff in District Courts, who were placed one level below the Senior Bailiffs in the District Courts both in the pre-revised and revised pay scales Rs.5200-20,200 + Grade pay Rs.1900 (Rs.3050-4590) and Rs.5200-20,200 + Grade pay Rs.2000 (Rs.3200-4900), respectively. As such it would be appropriate to place the Junior Bailiff in District Courts at a level below the Senior Bailiff in the District Courts.

8. The Government after careful consideration, direct that the clarification issued in the Government letter fourth read above, be cancelled with immediate effect and the Junior Bailiff in District Courts be appropriately placed at Rs.5200-20,200 + Grade pay Rs.2200 one level below the Senior Bailiffs in District Court (Rs.5200-20,200 + Grade pay Rs.2400) with notional effect from 1-1-2006 and monetary effect from the date of issue of this Order.

9. The Government also direct that the excess payment made, based on the Clarification issued in the Government letter fourth read above, if any be waived as a special case.

11
//
p.t.o.//

10. Consequent on the revision of Ordinary Grade scale of pay of Junior Bailiff as Rs.5200-20,200 + Grade pay Rs.2200, the Selection Grade and Special Grade scales of pay shall be Rs.5200-20,200 + Grade pay Rs.2400 and Rs.5200-20,200 + Grade pay Rs.2800 respectively as per Government letter No.63305 / Pay Cell / 2010-1, Finance, dated. 08.11.2010.

11. The Registrar General, High Court shall issue necessary instructions to all the Principal District Judges to re-fix the pay of Junior Bailiffs in the District Courts in the appropriate pay scales as ordered above.

(BY ORDER OF THE GOVERNOR)

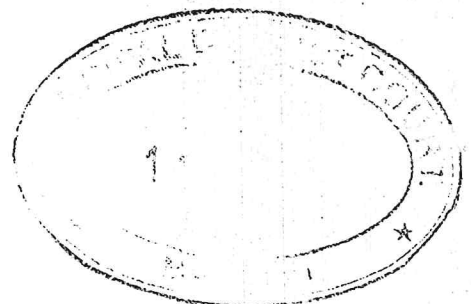
K. SHANMUGAM,
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Registrar General, High Court, Chennai-104.
The Principal Secretary to Government, Home Department, Chennai-9.
The Principal Accountant General (Accounts & Entitlements), Chennai-18.
The Principal Accountant General (Audit-I), Chennai-18.
The Accountant General (Audit-II), Chennai-18.
The Accountant General (CAB), Chennai-9 / Madurai.
The Pay and Accounts Officer, Secretariat, Chennai-9.
The Pay and Accounts Officer, (North / South / East) Chennai- 1 / 35 / 8 / High Court,
Chennai-104.
The Pay and Accounts Officer, Madurai - 625 001.
All District Judges.

Copy to
Home Department, Chennai-9.
Finance (Home) Department, Chennai-9.
Stock File / Spare Copy.

/ Forwarded / By Order /

SECTION OFFICER.
6.7.2015





भारतीय लेखा तथा लेखापरीक्षा विभाग
INDIAN AUDIT AND ACCOUNTS DEPARTMENT

कार्यालय महालेखाकार (लेखा एवं हकदारी), तमिलनाडु
361, अण्णा सालै, चेन्नै - 600 018.

OFFICE OF THE ACCOUNTANT GENERAL
(ACCOUNTS & ENTITLEMENTS), TAMIL NADU

361, Anna Salai, Chennai 600 018.

E-mail: agae@dataone.in Website: www.agae.tn.nic.in

IVRS Phone: 24314477, Fax : 044 - 2432 0562, 044 - 2434 0920

K.SANKARAN, IA & AS

DY.ACCOUNTANT GENERAL (PENSION)

D.O.Lr.No.Pen 30/II/2017-18 | 270-6

12/06/2017

Dear madam,

Your kind Attention is drawn to Letter No.76751/Cts.V/2011-4 dated 31/12/2012 wherein it is stated that those holding the post of Junior Bailiff (Process Server) does not have any promotional avenue and hence Selection Grade/Special Grade shall not be restricted. Originally this office had been admitting the cases for the post of Selection Grade Junior Bailiff in the pay scale of 3200-4900 and Special Grade Junior Bailiff in the pay scale of 4000 - 6000 restricting to 1st level/2nd level of promotional posts. But after the issue of above referred Government Letter cases were finalised in 4000-6000 scale of pay for the post of selection Grade Junior Bailiff 4300 -6000 scale of pay for the Special Grade Junior Bailiff without restricting to 1st level/2nd level of promotional posts.

Further as per G.O.193 dated 6/7/2015 pay scale of Junior Bailiff has been revised to 5200-20200 + 2200 (Grade Pay) , that of Selection Grade and special Grade to 5200-20200 + 2400 (Grade Pay) and 5200-20200 + 2800 (Grade Pay) respectively.

Now In Government Letter No.74128/Cts.V/2016-3 dated 27/3/2017, it has been clarified that pay scale of Junior Bailiff in the Selection Grade/Special Grade has to be restricted to 1st level/2nd level of promotional posts. As this office had already admitted Pensionery benefits in pay scale of Selection



Home (Courts-V) Department
Secretariat, Chennai 600 009

Letter No.74128/Cts. V/2016-3, dated. 27.03.2017

From
Tmt. M. Senthamarai, M.A., B.Ed., B.L.,
Additional Secretary to Government.

To
The Deputy Accountant General (Pension),
O/o the Accountant General (A&E),
Tamil Nadu,
Anna Salai, Teynampet,
Chennai -18.

Sir,

Sub: Pre-revised scale of pay to Selection / Special
Grade pay scale to Junior Bailiff in District
Courts - Clarification - Regarding.

Ref: Your letter No.Pension 30/1-74/16-17/208-
61547, dated 30.10.2016.

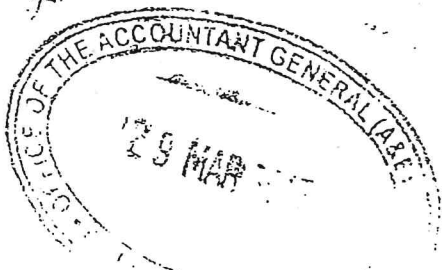
I am directed to invite kind attention to the reference cited, wherein you have requested to clarify the applicability of pre revised scale of Selection Grade / Special Grade of Junior Bailiffs.

2. In this connection, I am to clarify that as per Tamil Nadu Revised Scales of Pay Rules, 1998 the selection grade / special grade scale of pay of a post should be allowed as indicated in Schedule-II of G.O.(Ms).No.162, Finance (PC) Department, dated 13.04.1998, subject to the condition that the selection grade / special grade scale of pay indicated in the said schedule should be limited to the pay scale of its first level / second level promotional posts.

3. I am therefore to state that, the selection grade / special grade scale of pay of Junior Bailiff in District Courts should be regulated as stated above.

Yours faithfully,

for Additional Secretary to Government.



Grade/Special Grade Junior Bailiff without restricting to 1st level/2nd level of promotional posts as per the Government letter No.76751/Cts.V/2011- 3 dated 31/12/2012 downward revision of pensionary benefits arises in respect of many cases so finalised. Hence it may be clarified whether the excess payment made is to be recovered in such cases as per Government letter dated 31/12/2012.

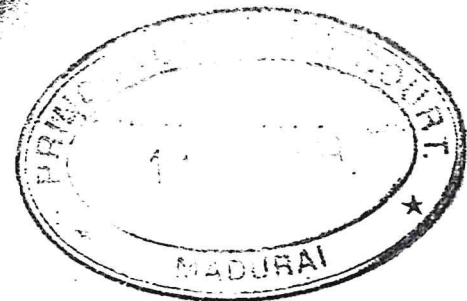
I request to arrange to send an early reply on Priority basis as this office has been receiving many writ petitions and representations under R.T.I in this matter.

With warm regards

Yours Sincerely,

U. Sentharaman
12/06/2017

Smt.M.Senthamarai,
Additional Secretary to Government,
Home (Courts - V) Department
Secretariat
CHENNAI - 600 009





Home (Courts-V) Department
Secretariat, Chennai 600 009

Letter No.46921/Cts. V/2017-3, dated. 30.08.2017

From
Dr. Niranjan Mardi, I.A.S.,
Additional Chief Secretary to Government.

To
The Deputy Accountant General (Pension),
O/o the Accountant General (A & E),
Tamil Nadu, Chennai - 18.

Sir,

Sub: Selection Grade/ Special Grade Junior Bailiffs -
Clarification on the excess payment made -
Clarification - Regarding.

Ref: 1. G.O.(Ms) No.193, Finance (PC) Department,
dated:06.07.2015.
2. Your D.O.letter No.Pen 30/II/2017-18/27026,
dated:12.06.2017.

I am to invite attention to your letter cited, wherein it has been requested to clarify regarding the recovery of the excess payment made to Junior Bailiff.

2. I am to clarify that it was decided to place Junior Bailiffs in District Courts at a level below the Senior Bailiffs in District Courts. Accordingly, in the Government order 1st cited the Junior Bailiff in the District Courts were appropriately placed at Rs.5200-20200 + GP 2200 one level below the Senior Bailiffs in District Courts Rs.5200-20200 + GP 2400.

3. Consequent on the revision of Ordinary Grade Scale of pay of Junior Bailiff as Rs.5200-20200 + GP 2200, the Selection Grade and Special Grade Scales of pay shall be fixed at Rs.5200-20200 + GP 2400 and Rs.5200-20200 + GP 2800 respectively, as per Government letter No.63305/PC/2010-1 Finance Department dated:08.11.2010. Further in Government Letter No.11718/PC/ 2014-1 Finance Department, dated:13.03.2014, it has also been ordered that the excess payment made may be waived as a special case.



9

4. I am therefore to request you to waive the excess payments made to the Junior Bailiffs as a special case. However, refixation of pay and pension should be appropriately fixed as per the existing orders after giving due notice to the individual concerned.

Yours faithfully,

P. P. P. P. P.
for Additional Chief Secretary to Government.