

Roc.No.72344/A/2020/G2,  
Roc. No.71270/2020/G2 &  
Roc. No.67944/2021/G2



### CIRCULAR

Sub : Public Services – Tamil Nadu Judicial Ministerial Service – Various petitions received from the Retired Staff of the subordinate courts in the cadre of Senior Bailiff/Junior Assistant/Typist requesting to fix their pay at Rs.9300-34800 + Grade Pay Rs.4200/- in Selection Grade, as per the orders passed in W.P.No. 32149/2018 dated 21.08.2019 of the Hon'ble High Court of Madras – Considered – Directions Issued – Regarding.

- Ref: 1. Order of the Hon'ble Madurai Bench of Madras High Court, Madurai, made in W.P. (MD) No.12104 of 2017, dated 20.12.2017.
2. Order of the Hon'ble High Court of Madras made in W.P.No. 32149/2018 dated 21.08.2019.

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The Government, in G.O. Ms. No.162, Finance (Pay Cell) Department, dated 13.04.1998, under the Heading “Selection Grade and Special Grade Scales of Pay”, have issued the following procedures for fixing pay in the Selection Grade and Special Grade:

- (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.

2. Further, the Government, in letter No. 63305/Pay Cell /2010-1, Finance (PC) Department, dated 08.11.2010, have reiterated the above said procedures and also issued guidelines for fixation of pay in the revised Selection Grade/ Special Grade posts.

3. In spite of the above procedures and guidelines, the pay of some of the employees on Selection Grade/Special Grade was fixed as indicated in Annexure-I to the said Government letter dated 08.11.2010, without restricting to the pay of their First level /Second level promotion posts respectively.

4. In view of such wrong fixation of pay in Selection/Special Grade, an order of recovery was made, which was put into challenge by filing writ petition in W.P.(MD).No.12104 of 2017. When the matter came up before the Hon'ble Division Bench, the Division Bench considering the principle governing recovery, ordered to refund the recovered amount and also directed to restore the selection grade pay of the petitioner in consonance with the Government Letter No. 63305/Pay Cell /2010-1, Finance (PC) Department, dated 08.11.2010. Sub clause (ii) of G.O. Ms. No.162, Finance (Pay Cell) Department, dated 13.04.1998, has not been brought to the notice of the Hon'ble Division Bench.

5. Placing reliance on the Orders passed by Hon'ble the Division Bench in W.P.(MD).No.12104 of 2017 dated 20.12.2017 and similar

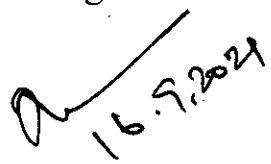

W.P.No.32149 of 2018, dated 21.08.2019, several requests have been made by the Senior Bailiffs / Junior Assistants / Typists for fixation of selection grade pay at Rs.9300-34800 + Grade Pay Rs.4200/-, bye-passing the procedure stipulated in sub-clause (ii) of G.O. Ms. No.162, Finance (Pay Cell) Department, dated 13.04.1998, which is applicable for the posts of Senior Bailiffs/Junior Assistants/Typists, as the said posts are having promotion opportunity.

6. As Sub-clause (ii) of G.O. Ms. No.162, Finance (Pay Cell) Department, dated 13.04.1998, has not been brought to the notice of the Hon'ble Division Bench, as ordered, Registry is in the process of filing review applications against the Division Bench Orders passed in W.P.(MD).No.12104 of 2017 dated 20.12.2017 and W.P.No.32149 of 2018, dated 21.08.2019.

7. In view of the above, the Principal Judge/Principal District Judges /District Judges /District Judge-cum-Chief Judicial Magistrate in the State of Tamil Nadu are hereby directed to keep similar requests, if any, pending, till orders are passed in the Review Applications to be filed in the aforesaid Writ Petitions.

8. The receipt of this Circular is required to be acknowledged.

High Court, Madras.  
Dated: 16.09.2021

  
16.9.2021  
Registrar General  


To:

1. All the Hon'ble Judges (for information)
2. All the Registrars, High Court of Madras/Madurai Bench of Madras High Court, Madurai.
3. The Principal Judge, City Civil Court, Chennai.
4. The Chief Judge, Court of Small Causes, Chennai.
5. All the Principal District Judges/District Judges.
6. The District Judge-cum-Chief Judicial Magistrate,  
The Nilgiris @ Udhagamandalam
7. The Chief Metropolitan Magistrate, Egmore, Chennai.
8. All the Chief Judicial Magistrates.
9. The Assistant Registrar (Puducherry), High Court, Madras.
10. The Record Keeper, A.D. Records, High Court, Madras.

With a request to communicate copy of this circular to all the courts in your District/unit.

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