



ABSTRACT

Pay Grievance Redressal Committee 2019- Revision of scales of pay of Assistant Engineer (Industries) / Tester / Testing Assistant / Technical Assistant / Inspector (Quality Control) in **Industries and Commerce Department** – Implementation of the recommendations of the Pay Grievance Redressal Committee – Orders - Issued.

Finance (Pay Cell) Department

G.O.Ms.No.407

**Dated: 12-11-2020,
Sarvari, Aippasi - 27,
Thiruvalluvar Aandu, 2051.**

Read:

1. G.O.Ms.No.234, Finance (Pay Cell) Department, dated: 01.06.2009.
2. G.O.Ms.No.444, Finance (Pay Cell) Department, dated: 09.09.2009.
3. G.O.Ms.No.288, Finance (Pay Cell) Department, dated: 26.08.2010.
4. G.O.Ms.No.71, Finance (Pay Cell) Department, dated: 26.02.2011.
5. Orders of the Hon'ble High Court in WP.No.7006 of 2011 dated 08.03.2012.
6. Order of the Hon'ble High Court in WA Nos.504, 505 etc. of 2012 and batch cases dated 27.03.2012.
7. G.O.Ms.No.123, Finance (Pay Cell) Department, dated: 10.04.2012.
8. G.O.Ms.No.242, Finance (Pay Cell) Department, dated: 22.07.2013.
9. Orders of the Hon'ble High Court in WA.Nos.504, 505 etc., of 2012 and 2335 and 2336 of 2013 dated 27.02.2014.
10. G.O.Ms.No.303, Finance (Pay Cell) Department, dated: 11.10.2017.
11. G.O.Ms.No.313, Finance (Pay Cell) Department, dated: 25.10.2017.
12. Orders of the Hon'ble Supreme Court of India dated: 28.11.2019 in Civil Appeal No.10029 of 2017 and batch cases.
13. G.O.Ms.No.381, Finance (Pay Cell) Department, dated: 04.12.2019.

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ORDER:

Orders were issued in the reference first read above revising the scales of pay and allowances of State Government employees and Teachers implementing the recommendations of Official Committee 2009 based on the recommendations of the Sixth Central Pay Commission on "pay scale to pay scale basis", notionally with effect from 01.01.2006 with monetary benefit from 01.01.2007.

2. Based on the recommendations of Official Committee 2009, pay scales of Assistant Engineer (Industries) / Tester / Testing Assistant / Technical Assistant / Inspector (Quality Control) in Industries and Commerce Department were revised as Rs.9300-34800 + Grade Pay 4700 in the pre-revised scale of pay of Rs.6500-11100.

3. The One Man Commission 2009 constituted in the Government Order second read above recommended granting of higher pay scales to Assistant Engineer (Industries) / Tester / Testing Assistant / Technical Assistant / Inspector (Quality Control) in Industries and Commerce Department from Rs.9300-34800 + Grade Pay 4,700 to Rs.15600-39100 + Grade Pay 5,400. Thereon, orders were issued in reference third read above implementing the above pay scale notionally with effect from 01.01.2006 with monetary benefit from 01.08.2010.

4. Based on a spate of representations to extend the revision granted to Assistant Engineers and its promotional posts in Public Works Department to various posts in other departments, the Government suo-moto reviewed the orders issued based on the report of One Man Commission, 2010 and found that Assistant Engineers had been erroneously placed on par with Direct Recruit Group I posts such as Deputy Collector, Assistant Director (Panchayat) and Deputy Superintendent of Police recruited through the Tamil Nadu Public Service Commission, Group I Competitive Examination. Accordingly, orders were issued in Government Order fourth read above among others revising the scales of pay of Assistant Engineer (Industries) / Tester / Testing Assistant / Technical Assistant / Inspector (Quality control) in Industries and Commerce Department from Rs.15600-39100 + Grade Pay 5400 to Rs.15600-39100 + Grade Pay 5100. The above revision was granted notional effect from 01.01.2006 with monetary benefit from 01.03.2011.

5. In the reference fourth read above, the Government interalia ordered to constitute a Pay Grievance Redressal Cell, 2012 to hear the grievances of the petitioners whose scale of pay has been revised.

6. Aggrieved by the above orders, several individual employees / Associations filed a number of Writ Petitions in the Hon'ble High Court to quash the orders issued in the reference fourth read above. In the reference fifth read above, the Writ Petitions filed by employees / Associations were dismissed by the Hon'ble High Court. In the reference sixth read above, the Division Bench, without going into the merits of the case has granted "Interim Stay" on the implementation of the Government Order fourth read above and orders of the Learned Single Judge fifth read above except for para-32 relating to the Constitution of Pay Grievance Redressal Cell.

7. Accordingly, in the Government Order seventh read above, Pay Grievance Redressal Cell was revived and re-constituted to review the recommendations of the One Man Commission, 2010 and the orders issued for revision of scales of pay in G.O.Ms.No.71, Finance (Pay Cell) Department, dated 26.02.2011 for 52 categories belonging to 20 Departments.

8. The Pay Grievance Redressal Cell, 2012 after hearing representations from various Associations and individual employees among others, examined the pay scale of Assistant Engineers other equivalent post recommended by One Man Commission, 2010 and G.O.Ms.No.71, Finance (Pay Cell) Department, dated 26.02.2011 and found that:

- (i) *In Government of India, Assistant Engineer / Junior Engineer are placed at section level and Assistant Executive Engineer at sub-division level.*
- (ii) *The appropriate comparison should only be with Central Public Works Department Assistant Engineers at Rs.9300-43800+GP 4600.*
- (iii) *Comparison of Assistant Engineers with Medical Officers is not appropriate since there are no diploma holders on the medical side.*
- (iv) *Pay is determined by nature of work, responsibilities, conditions of service, position in hierarchy and qualifications.*
- (v) *By placing Assistant Engineers in Pay Band 3, One Man Commission equated section level officers with Group I sub-division level officers and created horizontal and vertical disparity.*
- (vi) *Pay Grievance Redressal Cell found it appropriate to place the posts of Tester / Testing Assistant / Technical Assistant / Inspector (Quality Control)/ Assistant Engineer (Industries) on par with their counterparts in Public Works Department at Rs.9300-34800+Grade Pay 5100.*

Hence, the Pay Grievance Redressal Cell, 2012 recommended to place the Assistant Engineer (Industries) / Tester / Testing Assistant / Technical Assistant / Inspector (Quality control) in Pay Band-2 Rs.9300-34800 instead of Pay Band-3 Rs.15600-39100 while retaining the Grade Pay of Rs.5100. Orders were issued in the reference eighth read above implementing the recommendations of Pay Grievance Redressal Cell, 2012. The above revision was granted notional effect from 01.01.2006 and monetary benefit from 01.04.2013.

9. Orders issued in the reference eighth read above were challenged in the Hon'ble Madras High Court and the Hon'ble Division Bench granted stay and directed to constitute a Pay Grievance Redressal Committee for taking fresh decision regarding enhancement / reduction of the pay scales / Grade Pay of 52 or more categories of 20 or more departments in the reference ninth read above.

10. Against the orders issued by the Hon'ble High Court Division Bench in W.A.No.504 of 2012 and batch cases dated: 27.02.2014, Government filed 159 Special Leave Petitions in the Hon'ble Supreme Court of India.

11. In the reference twelfth read above, the Hon'ble Supreme Court of India in its order dated 28.11.2019 in a batch of Civil Appeal Nos 10029 / 2017 etc., directed the Government to constitute a Pay Grievance Redressal Committee under the Chairmanship of Hon'ble Justice Thiru. D.Murugesan, formerly Chief Justice, High Court of Delhi with specific terms of reference to be framed by Government. Hon'ble Supreme Court of India has also ordered that, the affected categories shall not be

permitted to migrate to 7th Central Pay Commission scales on the basis of the higher scales till such time as a final decision is taken.

12. Accordingly, in the Government Order thirteenth read above, Pay Grievance Redressal Committee was constituted under the Chairmanship of Hon'ble Justice Thiru.D.Murugesan, formerly Chief Justice, High Court of Delhi along with two official Administrative Members and two co-opted Members recommended by the Chairman, with specific terms of reference to examine all the representations received from Associations, individual employees relating to anomalies in respect of pay structure ordered based on the recommendations of One Man Commission, 2010, G.O.Ms.No.71, Finance (Pay Cell) Department, dated: 26.02.2011 and G.O.Ms.No.242, Finance (Pay Cell) Department, dated: 22.07.2013.

13. The Pay Grievance Redressal Committee gave opportunity of personal hearing to all Employee Associations and individual employees from 21.01.2020 to 20.03.2020. The Committee heard 243 Associations and 2397 individual employees over this period. The Committee thus heard representations from Employee Associations and individual employees against all previous orders issued, ie., orders issued based on the recommendations of One Man Commission, 2010, G.O.Ms.No.71, Finance (Pay Cell) Department, dated: 26.02.2011 and G.O.Ms.No.242, Finance (Pay Cell) Department, dated: 22.07.2013 and concluded that

“Pay Grievance Redressal Cell has rightly placed the pay scale of Assistant Engineers at Pay Band-2 retaining the Grade Pay ordered in G.O.Ms. No.71, Finance (Pay Cell) Department, dated 26.02.2011 at Rs.9300-34800+G.P.Rs.5100.

The One Man Commission, 2010 has exceeded the terms of reference and recommended a higher pay scale to the Assistant Engineers and its promotional posts than their counterparts in Central Government. This had lead to distortion in the horizontal and vertical pay relativities. Hence, the Assistant Engineers have to be appropriately placed in Pay Band-2 at Rs.9300-34800+G.P.Rs.5100 which is Rs.500/- higher than the Grade Pay of similar posts in Central Government. Moreover, the pay scale of Rs.9300-34800+G.P.Rs.5100 is higher than the pre-revised scale of Rs.6500-11100 and the subsequent revised pay in the Official Committee at Rs.9300-34800 + G.P.Rs.4700 which is Rs.400/- more in the Grade Pay. Therefore, this Committee is of the view that the anomaly created in the recommendations of the One Man Commission, 2010 and the various orders passed by the Government to extend the same to other equivalent posts and the further anomaly created in the issuance of G.O.Ms.No.71, Finance (Pay Cell) Department, dated 26.02.2011 have been set right by issuance of G.O.Ms.No.242, Finance (Pay Cell) Department, dated 22.07.2013.

Considering both the recommendations of One Man Commission, 2010 and G.O.Ms.No.71 Finance (Pay Cell) Department, dated 26.02.2011, this Committee finds that placing the post of Assistant Engineers and the equivalent posts in Pay Band-3 is not justified.

Hence, this Pay Grievance Redressal Committee endorses the orders issued in G.O.Ms.No.242, Finance (Pay Cell) Department, dated 22.07.2013 placing the pay scale of Assistant Engineers at Rs.9300-34800+G.P.Rs.5100. As the post of Assistant Engineer (Industries) / Tester / Testing Assistant / Technical Assistant / Inspector (Quality Control) in Industries and Commerce Department is treated on par with the post of Assistant Engineer in Public Works Department, Committee recommended for fixation of the pay scale of Assistant Engineer (Industries) / Tester / Testing Assistant / Technical Assistant / Inspector (Quality Control) in Industries and Commerce Department at Rs.9300-34800 + G.P.Rs.5100”.

14. The Government, after careful examination of the recommendations of Pay Grievance Redressal Committee, 2019 notes that the Pay Grievance Redressal Committee has heard the views of 2397 individual employees and 243 Associations against G.O.Ms.No.71, Finance (Pay Cell) Department, dated 26.02.2011 and G.O.Ms.No.242, Finance (Pay Cell) Department, dated 22.07.2013 and has arrived at its conclusions duly considering all representations heard in person and received in writing. After careful consideration of the report of the Committee, Government has decided to accept and implement the recommendations relating to the scales of pay of Assistant Engineer (Industries) / Tester / Testing Assistant / Technical Assistant / Inspector (Quality Control) in Industries and Commerce Department and accordingly direct as follows:

- (a) In supersession of the orders issued in the reference third and fourth read above in so far as it relates to the pay scales of Assistant Engineer (Industries) / Tester / Testing Assistant / Technical Assistant / Inspector (Quality Control) in Industries and Commerce Department and in exercise of the powers conferred under Rule 13 of the Tamil Nadu Revised Scales of Pay Rules, 2009 Government issues the following amendment to the pay scale for the post of Assistant Engineer (Industries) / Tester / Testing Assistant / Technical Assistant / Inspector (Quality Control) in Industries and Commerce Department as Rs. 9300-34800 +GP 5100.

AMENDMENT

Name of the Post	Pre-revised scale of pay	Revised scale of pay + Grade Pay
Assistant Engineer (Industries) / Tester / Testing Assistant / Technical Assistant / Inspector (Quality Control)	Rs.6500-11100	Rs.9300-34800+ 5100

- (b) The fixing of pay in the revised pay structure for employees who were in service before 01.06.2009 shall be fixed as per Rule 4(1) of the Tamil Nadu Revised scales of Pay Rules, 2009.
- (c) The revision of scales of pay ordered above shall be fixed notionally with effect from 01.01.2006 as follows:
- i) Pay shall be first fixed notionally in the relevant pay scale indicated in para 14(a) above as on 01.01.2006.
 - ii) Pay shall be notionally fixed in this pay scale every year thereafter on date of increment or promotion if any.
 - iii) Basic pay in this pay scale shall accordingly be arrived at as on 31.12.2015.
 - iv) **The actual pay drawn during this period ie., from 01.01.2006 to 31.12.2015 will be higher than the pay notionally fixed as above. The higher pay so drawn based on the orders of the Hon'ble High Court with effect from 01.01.2006 to 31.12.2015 shall be waived and shall not be recovered.**

15. The Tamil Nadu Revised Pay Rules 2017, have come into effect notionally with effect from 01.01.2016 and with monetary benefit from 01.10.2017. The Pay Grievance Redressal Committee, 2019 has recommended that the employees shall be allowed to migrate to the Tamil Nadu Revised Pay Rules, 2017 as ordered in G.O.Ms.No.303, Finance (Pay Cell) Department, dated 11.10.2017 without any reduction in the emoluments drawn as on that date treating the difference as Personal Pay to be adjusted in future increments or on promotion.

16. Accordingly, revision of pay as per the above recommendation, on migration to the Tamil Nadu Revised Pay Rules 2017 shall be carried out as follows:

- a) Scale of pay under Tamil Nadu Revised Pay Rules, 2017.

Name of the Post	Pre-revised scale of pay	Level in the pay matrix
Assistant Engineer (Industries) / Tester / Testing Assistant / Technical Assistant / Inspector (Quality Control)	Rs.9300-4800+G.P 5100	Level-20 Rs.37700-119500

- b) As on 01.01.2016, the basic pay in the relevant pay scale notionally arrived at as on 31.12.2015, shall be revised as per Tamil Nadu Revised Pay Rules 2017 by applying the fitment factor of 2.57.
- c) The Personal Pay as on 01.01.2016 shall be determined as follows:

$$\text{Personal Pay} = \left\{ \begin{array}{l} \text{Actual Basic Pay} \\ \text{drawn as on} \\ \text{31.12.2015} \end{array} \right\} \text{ Less } \left\{ \begin{array}{l} \text{Basic Pay in the relevant} \\ \text{pay scale as on} \\ \text{31.12.2015} \end{array} \right\}$$

- d) The quantum of Personal Pay shall be adjusted against the quantum of increment on the date of every succeeding award of increment or promotion with effect from 01.01.2016.
- e) The quantum of Personal Pay will be revised accordingly every successive year, thereafter on the date of increment or promotion if any.
- f) The grant of Personal Pay should be discontinued when the amount of the annual increment adjusted exceeds the amount of Personal Pay, determined under sub-paras (c), (d) and (e) above.
- g) The Personal Pay so determined shall not be taken into account for any other purpose including pensionary benefits.

17. Necessary illustration to this effect is appended to the Government Order.

18. Consequent on the implementation of revision of scale of pay ordered by Pay Grievance Redressal Committee, 2019, it is ordered that **any excess emoluments / Pension already drawn by the employees / Pensioners in the categories of Assistant Engineer (Industries) / Tester / Testing Assistant / Technical Assistant / Inspector (Quality control) in Industries and Commerce Department up to October 2020 shall not be recovered.**

19. The Head of Department concerned is directed to issue necessary instructions to all Heads of Offices and Sub-ordinate Offices to revise the scales of pay to the employees in the categories mentioned in para - 14 above and re-fix their pay appropriately in the admissible revised scales of pay and issue necessary revised pay fixation orders for the purpose of drawing salary with effect from 01st November 2020.

20. The pension of employees retired in the above categories from 01.01.2006 to 31.12.2015 shall be re-fixed with reference to para 14 above. The pay fixing authorities shall send necessary revised pension proposal to Accountant General for authorizing revised pension. Based on the authorization of Accountant General, Pension Pay Officer / Treasury Officers / Sub-Treasury Officers are instructed to revise the pension / family pension and subsequently further revise the pension / family pension with effect from 01.01.2016 with reference to the Government Order eleventh read above.

21. In respect of employees who retired between 01.01.2016 and 31.10.2020 pay has to be fixed as indicated in paras 14, 16 (a) and 16 (b) above. The pay fixing authorities shall send necessary revised pension proposal to Accountant General for authorizing revised pensionary benefits including revised pension. Based on the authorization of Accountant General, Pension Pay Officer / Treasury Officers / Sub-Treasury Officers are instructed to revise the pension/family pension as admissible accordingly.

(BY ORDER OF THE GOVERNOR)

**S.KRISHNAN
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT**

To

The Principal Secretary to Government, Industries Department, Chennai-9.
The Principal Secretary to Government, Micro, Small and Medium Enterprises Department, Chennai-9
The Commissioner and Director of Industries and Commerce, Chennai-32.
The 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-600 009.
The Pay and Accounts Officer, Secretariat, Chennai-9.
The Pay and Accounts Officer,(North / East / South) Chennai- 1/ 8 /35 .
The Pay and Accounts Officer, Madurai - 625 001.
The Pension Pay Officer, Chennai-35.
All Treasury Officers / Sub-Treasury Officers.

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The Special Personal Assistant to Hon'ble Deputy Chief Minister, Chennai-9
The Principal Private Secretary to Chief Secretary to Government, Chennai-9.
The Principal Private Secretary to Additional Chief Secretary to Government, Finance Department, Chennai-9.
The Private Secretary to Special Secretary to Government, Finance Department, Chennai-9.
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SECTION OFFICER

ILLUSTRATION – I

An Assistant Engineer (Industries) / Tester / Testing Assistant / Technical Assistant / Inspector are drawing a pay of Rs.7,500 as on 31.12.2005 in the scale of pay of Rs.6500-200-11100. His annual increment is 1st April of every succeeding year. The Officer was awarded Selection Grade on 20.08.2010. His pay as per the recommendations of Pay Grievance Redressal Committee-2019 shall be fixed as follows:-

1. **Basic pay as on 31.12.2005** : **Rs.7,500/-**
2. As per recommendation of PGRC-2019 : PB-2. Rs.9300 - 34800 +G.P 5100
Pay Band applicable to the post of
Assistant Engineer (Industries) / Tester
/ Testing Assistant / Technical Assistant
/ Inspector
3. Pay after multiplication by a fitment : Rs.13,950/-
factor of 1.86 (Rs.7500/- x 1.86)
4. Grade Pay (attached to the scale) : Rs.5,100/-
5. **Basic Pay as on 01.01.2006** : **Rs.19,050/-**
6. Pay fixed on attaining Selection Grade : Rs.23,450/-
as on 20.08.2010
7. **Basic Pay as on 31.12.2015** : **Rs.27,210/-**
8. Higher pay actually drawn on : Rs.31,330/-
31.12.2015
9. **^ Personal pay ((8)-(7))** : **Rs.4,120/-**

^ The Personal pay has to be adjusted against the quantum of increment on the date of every succeeding award of increment or promotion with effect from 01.01.2016

Pay fixed as per Tamil Nadu Revised Pay Rules, 2017.

10. Basic Pay after multiplication by a : Rs. 69,930/-
fitment factor of 2.57 and rounded off to
the nearest rupee. (Rs.27,210/- x 2.57)
11. **Revised Pay as on 1.1.2016** : **Rs.70,200/-**
Level-20

The Personal Pay has to be adjusted in the following manner

12. Pay as on 01.01.2016 : Rs.70,200/-+PP Rs.4,120/-
13. 01.04.2016 Annual increment : Rs.72,300/-+PP Rs.2,020/-
14. 01.04.2017 Annual increment : Rs.74,500/-

The grant of Personal Pay should be discontinued when the amount of the annual increment adjusted exceeds the amount of Personal Pay.