

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE DR. JUSTICE P. DEVADASS

W.A. No.1606 of 2015

Nedunsalaithurai Oivupetra Salai
Aaivalar Nala Sangam
represented by its General Secretary
Mr. S. Sundaresan
(Reg. No.78/2014)
No.9/7, V Street
Rajendra Nagar
Gingee
Villupuram District

Appellant

Vs.

- 1 The Principal Director
Highways Department
Chennai
- 2 The Divisional Engineer
Building and Maintenance
Highways Department
Villupuram
- 3 The Divisional Engineer
Building and Maintenance
Highways Department
Cuddalore
- 4 The Divisional Engineer
Building and Maintenance
Highways Department
Kallakurichi
- 5 The Divisional Engineer
Building and Maintenance
Highways Department
Dharmapuri

6 The Divisional Engineer
Building and Maintenance
Highways Department
Tiruvannamalai

Respondents

Writ Appeal preferred under Clause 15 of the Letters Patent challenging the order dated 01.07.2015 passed in W.P. No.19088 of 2015. This writ petition filed under article 226 of the constitution of India to issue a writ of Mandamus to direct the 2 to 6 respondents to implement the order in memorandum No.14093/Nin 4(3)/2014 dated 11.12.2014 passed by the 1st respondent herein.

For appellant Mr. K. Vasudevan

For respondents Mr. P.S. Sivashanmugasundaram
Special Government Pleader

JUDGMENT

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondents. With the consent of the learned counsel for the parties, the writ appeal is taken up for final disposal, at the admission stage itself.

2 The instant intra-Court appeal emanates from the order dated 01 July 2015 rendered by the learned Single Judge in W.P. No.19088 of 2015.

3 The appellant association filed the instant writ petition invoking the extraordinary jurisdiction of the High Court under Article 226 of the Constitution of India, seeking a direction to the respondents to implement the order in Memorandum No.14093/Nir 4(3)/2014 dated 11.12.2014 passed by the first respondent.

4 The learned Single Judge, on consideration of all aspects of the matter, dismissed the writ petition holding that only the individuals, i.e., the employees/members of the appellant association can approach the Court seeking pay fixation as per G.O. Ms.No.210, Personnel and Administrative Reforms Department dated 11 March 1987 and that the writ petition cannot be maintained, at the instance of the appellant association.

5 The learned counsel for the appellant submits that this is a case where the members of the appellant association

are similarly situated and as such, they are entitled to the relief, as aforestated, under the said Government Order.

6 Be that as it may, the learned Single Judge has declined to grant the relief on maintainability and not on merits. We have examined the case in detail.

7 We are of the considered opinion that the view taken by the learned Single Judge is just and proper, inasmuch as, in service jurisprudence, the facts involved in the case of each and every individual are required to be adjudicated properly and decision has to be taken on case-by-case basis. Such being the position, the decision taken by the learned Single Judge to dismiss the writ petition filed at the instance of the appellant association is unexceptionable warranting no interference. We make it clear that the employees/members of the appellant association are at liberty to prefer writ petitions, if so advised, under the provisions of law.

Resultantly, this intra-Court appeal stands dismissed. Costs made easy.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

cad
To

- 1 The Principal Director
Highways Department
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- 2 The Divisional Engineer
Building and Maintenance
Highways Department
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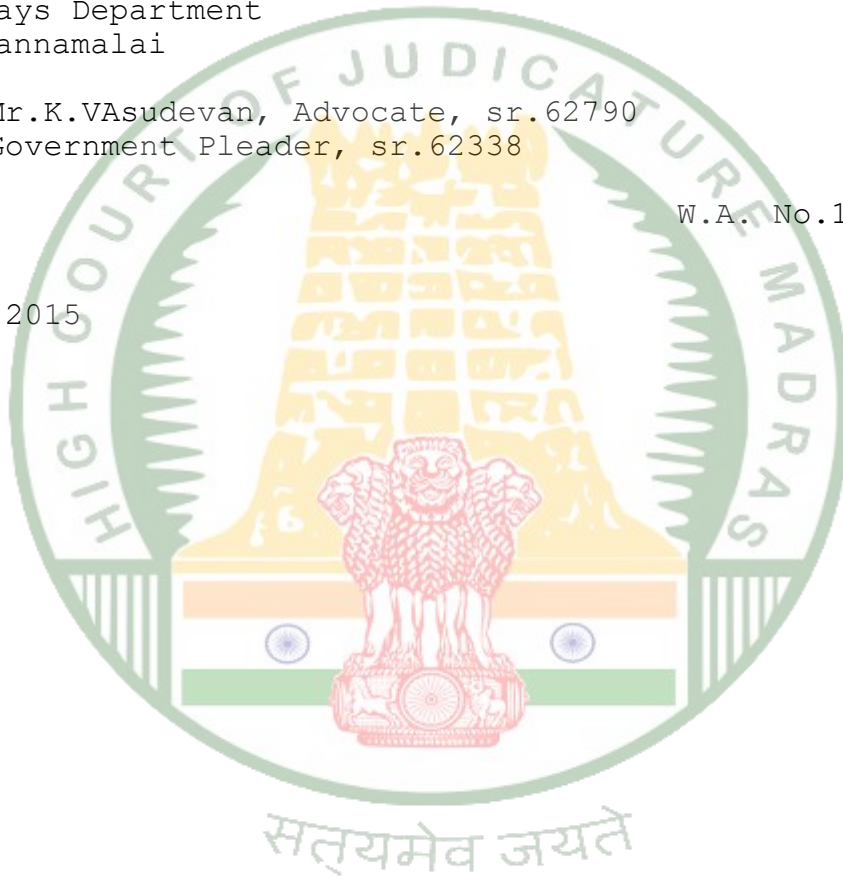
6 The Divisional Engineer
Building and Maintenance
Highways Department
Tiruvannamalai

+1 cc to Mr.K.VAsudevan, Advocate, sr.62790

+1 cc to Government Pleader, sr.62338

W.A. No.1606 of 2015

rsi co
kra 25.11.2015



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