

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2016

C O R A M

THE HON'BLE Mr.JUSTICE M.V.MURALIDARAN

WP.No.191 of 2015
and MP.No.2 of 2015 and WMP.No.16091 of 2016

1. A.Tamilselvan
2. R.Ashok Kumar .. Petitioners

Versus

1. The State of Tamil Nadu
Rep.by the Secretary to Government
Animal Husbandary, Milk & Fisheries Department
Secretariat, Chennai -9

2. The Director,
Animal Husbandry and Medical Services
Chennai -6

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorarified mandamus to call for the records on the file of the 1st respondent in connection with the order passed by him in his Letter No.5628/Ka.Pa.7/2014-3, dated 07.8.2014 and quash the same and direct the respondents to pay the scale of pay available to the post of Lab Technician with effect from 01.8.2010 orders passed by the Government in G.O.Ms.No.296, Finance (Pay Cell) Department dated 26.8.2010 and 324, Finance (Pay Cell) Department, dated 22.7.2013.

For petitioner	...	Mr.R.Singaravelan Senior Counsel for Ms.M.Srividhya
For Respondents	...	Ms.P.Kavitha Government Advocate

ORDER

The petitioners have filed the above writ petition seeking to quash the order dated 07.8.2014 passed by the first respondent and consequently direct the respondents to pay the scale of pay available to the post of Lab Technician with effect from 01.8.2010 in the light of the orders passed by the Government in G.O.Ms.No.296, Finance (Pay Cell) Department dated 26.8.2010 and 324, Finance (Pay Cell) Department, dated 22.7.2013.

2. The petitioners, who were initially appointed as Lab Attendant and Mazdoor respectively on compassionate grounds, were subsequently promoted to the post of Lab Technician on 25.5.2012 and 09.12.2010 respectively. According to the petitioners, though they were promoted to the post of Lab Assistant, they were not paid the salary as per the orders of the Government in G.O.Ms.No.296 dated 28.8.2010 and G.O.Ms.No.324 dated 22.7.2013. Therefore, the petitioners made a representation to the second respondent requesting to implement the said Government Orders. The second respondent

vide letter dated 05.7.2014 recommended the case of the petitioners for such fixation. However, the first respondent rejected the same by a non speaking order dated 07.8.2014, which is impugned in this writ petition.

3. Pending writ petition, the petitioners have filed Miscellaneous petition in WMP.No.16091 of 2016 seeking to grant interim injunction restraining the respondents from withholding the benefits of G.O.Ms.No.296 Finance (Pay Cell) Department, dated 26.8.2010 and 324, Finance (Pay Cell) Department dated 22.7.2013.

4. Heard Mr.R.Singaravelan, learned Senior counsel for the petitioner and Ms.P.Kavitha learned Government Advocate appearing for the respondents.

5. Though the relief sought for in this writ petition is larger, when the matter is taken up today, the learned Senior counsel for the petitioners confined his argument to the limited extent, directing the respondents to consider the petitioners' representation, which was given on 19.5.2016, in the light of G.O.Ms.No.296, Finance (Pay Cell) Department, dated 26.8.2010 and 324 Finance (Pay Cell) Department,

dated 22.7.2013.

6. Learned Government Advocate appearing for the respondents has no objection to consider and pass orders on the representation dated 19.5.2016.

7. In view of the same, the respondents are directed to consider the representation dated 19.5.2016 in the light of the G.O.Ms.No.296, Finance (Pay Cell) Department, dated 26.8.2010 and 324 Finance (Pay Cell) Department, dated 22.7.2013, and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

26.05.2016

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To

1. The Secretary to Government
Animal Husbandry, Milk & Fisheries Department
Secretariat, Chennai -9
2. The Director,
Animal Husbandry and Medical Services
Chennai -6

M.V.MURALIDARAN, J.,

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