

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2015

CORAM

THE HONOURABLE MR.JUSTICE D. HARIPARANTHAMAN

WRIT PETITION NO.19088 OF 2015

Nedunsalaithurai Oivupetra Salai
Aaivalar Nala Sangam rep. By its
General sEcretary Mr.S.Sundaresan
(Reg.No.78/2014)
No.9/7, 5th Street,
Rajendra Nagar, Gingee,
Villupuram District.

..Petitioner

Vs.

1. The Principal Director,
Highways Department,
Chennai.
2. Divisional Engineer,
Building and Maintenance,
Highways department,
Villupuram.
3. Divisional Engineer,
Building and Maintenance,
Highways department,
Cuddalore.
4. Divisional Engineer,
Building and Maintenance,
Highways department,
Kallakuruchi.
5. Divisional Engineer,
Building and Maintenance,
Highways Department,
Dharmapuri.

6. Divisional Engineer,
Building and Maintenance,
Highways department,
Thiruvannamalai.

.. Respondents

Prayer: 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/Nir 4(3)/2014 dated 11.12.2014 passed by the first respondent herein.

For Petitioner : Mr.K.Vasudevan

For Respondents : Mr.V.Jayaprakash Narayanan, Spl.G.P.

O R D E R

With consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is an Employees Association. They have filed this writ petition seeking to implement the order dated 11.12.2014 passed by the first respondent directing the respondents 2 to 6 to comply with G.O.Ms.No.210.

3. G.O.Ms.No.210, P & A R Department, dated 11.03.1987 provided to count the service in the selection grade of lower post for selection grade in the promoted post if the selection scale of the lower post is identical to the ordinary grade of higher post.

4. The said G.O. also provides Scheme of Flexible Complementing in the case of posts with different grades i.e., A person who has put in 10 years or more of service in the lower post (eg. GradeII) shall be advanced to next higher post (i.e., Grade-I) and one who has put in service of 20 years or more be advanced to selection grade of the higher post (i.e., Grade I).

5. The first respondent issued the proceedings dated 11.12.2014 and 11.06.2015 to correctly give fixation as per G.O.Ms.No.210, P&AR Department dated 11.03.1987.

6. In this case, the petitioner Association made a representation dated 01.12.2014 to the Joint Director of Highways Department. According to the representation, the post of Road Inspector Grade-II became State cadre post from 24.11.1970 and the selection grade in the post of Grade-II shall be granted after 10 years and Special Grade shall be granted after 20 years.

7. As per the aforesaid G.O.Ms.No.210, on completion of 10 years of service in Grade-II, one would become Grade-I Road Inspector. The said Scheme was in operation upto 1988.

8. The grievance of the Association is that the 2nd respondent passed an order dated 30.05.2014 in the case of one Sundaresan granting Special Grade in Road Inspector Grade-I from 31.08.1999. According to the said Sundaresan, he should have been granted Special grade in Grade-I post of Road Inspector w.e.f 31.08.1989. The same was rejected and the second respondent granted Special Grade in the post of Grade-I Road inspector from 31.08.1999. The said Sundaresan became Grade-II Road Inspector on 31.08.1969 and on completion of 10 years service in Grade-II post, he was granted Grade-I post on 30.08.1979. Thereafter, on completion of 10 years of service in Grade-I, he was granted Selection Grade on 31.08.1989 and thereafter, as Special Grade on 31.08.1999 by the second respondent.

9. In my view, the same is in terms of G.O.Ms.No.210 and also in terms of the order dated 11.12.2014 and 11.6.2015 of the first respondent. Therefore, there is no merit in the plea of the petitioner association seeking the respondents 2 to 6 to implement the order dated 11.12.2014 of the first respondent.

10. If any individual has any grievance that he is not granted fixation as per G.O.Ms.No.210, referred to above, he could approach the court by way of filing writ petition and in my view the association cannot file a writ petition of this nature.

11. For all these reasons, the writ petition fails and the same is dismissed. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1. The Principal Director,
Highways Department,
Chennai.
2. Divisional Engineer,
Building and Maintenance,
Highways department,
Villupuram.

3. Divisional Engineer,
Building and Maintenance,
Highways department,
Cuddalore.

4. Divisional Engineer,
Building and Maintenance,
Highways department,
Kallakuruchi.

5. Divisional Engineer,
Building and Maintenance,
Highways Department,
Dharmapuri.

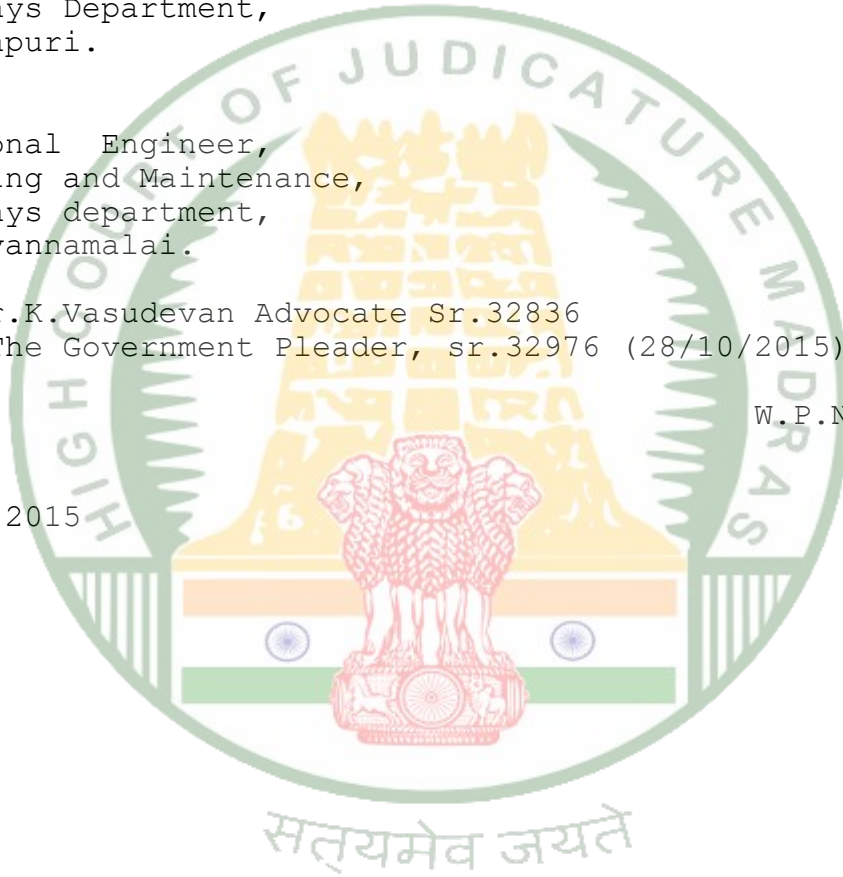
6. Divisional Engineer,
Building and Maintenance,
Highways department,
Thiruvannamalai.

+1cc to Mr.K.Vasudevan Advocate Sr.32836

+1 cc to The Government Pleader, sr.32976 (28/10/2015)

W.P.No.19088 of 2015

msm[co]
srg 30.09.2015



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